

## SENATE.

THURSDAY, April 2, 1908.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

## ADJOURNMENT TO MONDAY.

Mr. ALDRICH. I move that when the Senate adjourns today it adjourn to meet on Monday next.

The motion was agreed to.

## PAY OF THE ARMY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting additional estimates of appropriations, under the head of "Pay, etc., of the Army," for the fiscal year ending June 30, 1909, aggregating \$57,000, which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

## CLAIMS OF POTTAWATOMIE INDIANS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report on the claims of the Pottawatomie Indians, of Wisconsin, as set forth in their memorial to Congress at the second session of the Fifty-seventh Congress, etc., which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

## POLICEMEN'S AND FIREMEN'S RELIEF FUNDS.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, acknowledging the receipt of the resolution of March 27, 1908, directing the Commissioners to submit to Congress in December, 1908, a complete report upon the policemen's and firemen's relief funds, etc., which was referred to the Committee on the District of Columbia and ordered to be printed.

## FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the First Baptist Church of Suffolk, Va., v. United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 13735. An act to correct the military record of Micaiah R. Evans; and

H. R. 15444. An act extending the time for the construction of a dam across Rainy River.

## PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of sundry citizens of Philadelphia, Pa., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the National Wholesale Lumber Dealers' Association of New York City, N. Y., praying for the enactment of legislation providing for the taking of the census of the timber of the country, which was referred to the Committee on the Census.

Mr. CULLOM presented memorials of sundry citizens of Bridgeport and Stonington, in the State of Connecticut; of the Ancient Order of Hibernians of Cuyahoga County, Ohio, and of the Erin's Hope Club of New York City, N. Y., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. BRIGGS presented petitions of the Board of Trade of Jersey City, of sundry citizens of Linden, Newark, and Hoboken, all in the State of New Jersey, and of Philadelphia, Pa., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of sundry citizens of Morristown, Garwood, and Jersey City, all in the State of New Jersey, praying for the passage of the so-called "Kittredge copyright bill," which were referred to the Committee on Patents.

He also presented the memorial of Henry von Mindu, of Orange, N. J., and the memorial of H. T. Dewey & Sons Company, of New York City, N. Y., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented the petition of John R. Paddock, of East Orange, N. J., praying that an appropriation be made to increase the force of the United States Patent Office, which was referred to the Committee on Appropriations.

He also presented the petition of J. H. Cuntz, of Hoboken, N. J., and the petition of D. S. Jacobus, of Redondo, Cal., praying for the enactment of legislation to recover the collateral inheritance tax paid into the United States Treasury by the Stevens Institute of Technology, which were referred to the Committee on Finance.

He also presented a memorial of the Peace Association of Friends, of Philadelphia, Pa., remonstrating against the proposed construction of four new battle ships for the Navy, which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry citizens of the State of New Jersey, praying for the passage of the so-called "Fowler currency bill," which were referred to the Committee on Finance.

He also presented a memorial of the Campbell Tobacco Company, of Newark, N. J., remonstrating against the enactment of legislation to permit the sale of leaf tobacco without the payment of the revenue tax, which was referred to the Committee on Finance.

He also presented a petition of the Ferracute Machine Company, of Bridgeton, N. J., praying for the creation of a Bureau of Mines in the Department of the Interior, which was referred to the Committee on Mines and Mining.

He also presented memorials of sundry citizens of Paterson and Passaic, in the State of New Jersey, and of the United Irish League of America, remonstrating against the ratification of the pending arbitration treaty between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry local branches of the United National Association of Post-Office Clerks, in the State of New Jersey, and of John A. Ackerman, of East Orange, N. J., praying for the enactment of legislation to increase the pay of postal clerks, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Board of Trade of Jersey City, N. J., and a memorial of Howland Croft, Sons & Co., of Camden, N. J., remonstrating against the passage of the so-called "eight-hour bill" with reference to Government contracts, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented sundry petitions of citizens of Hampstead, Westville, East Hampstead, and Hopkinton, all in the State of New Hampshire, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Oregon, California, Arkansas, Texas, Nebraska, and Missouri, remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. GAMBLE presented the petition of A. B. Smart and 58 other citizens of Wessington Springs, S. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Belle Fourche, S. Dak., remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DICK presented a memorial of the Robert Emmet Association, of Columbus, Ohio, and a memorial of the county board, Ancient Order of Hibernians, of Franklin County, Ohio, remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Central Labor Union, of Washington, D. C., praying for the enactment of legislation providing for the construction of four new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry citizens of Marion, Mendon, Cleves, Belpre, Bellaire, Cincinnati, Powhatan Point, Zanesville, Payne, Frazeyburg, Haydenville, Edon, Hoytville,

Perrytown, Utica, Columbus, Delaware, Cleveland, Westville, Shepard, Rocky River, Gibsonburg, Troy, Good Hope, Cambridge, Lockington, Williamsport, Bethany, Washington, and Beverly, all in the State of Ohio, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Shanesville, McConnellsville, and Logan, all in the State of Ohio, and of Dows, Iowa, praying for the passage of the so-called "rural parcels-post bill" and also for the enactment of legislation to establish postal savings banks, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Mountain City Union, No. 56, Amalgamated Association of Iron and Steel Workers of the United States, of Martins Ferry, Ohio, remonstrating against the passage of the so-called "Penrose bill," to exclude nonmailable periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WARREN presented a petition of sundry citizens of Lander, Wyo., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CLAPP presented a petition of the common council of St. Paul, Minn., praying that an appropriation be made for the improvement of the upper Mississippi River, which was referred to the Committee on Commerce.

He also presented a memorial of sundry Grand Army posts, Department of Minnesota, remonstrating against the enactment of legislation proposing to abolish certain pension agencies throughout the country, which was referred to the Committee on Pensions.

Mr. DOLLIVER presented petitions of the Federated Women's Clubs of Glidden, Creston, Clarinda, Coon Rapids, Osceola, Rockwell City, Chariton, and Sioux City, all in the State of Iowa, and of the Woman's Republican Club of New York City, N. Y., praying for the enactment of legislation to regulate the employment of child labor, which were referred to the Committee on Education and Labor.

He also presented a petition of the Commercial Club of Muscatine, Iowa, praying that an annual appropriation of \$2,000,000 be made for the improvement of the upper Mississippi River, which was referred to the Committee on Commerce.

He also presented a memorial of the United Irish League of America, of Boston, Mass., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Des Moines and Storm Lake, in the State of Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Blanchard, Iowa, praying for the enactment of legislation to prohibit the sale and importation of opium into the United States and its insular possessions, which was referred to the Committee on Finance.

He also presented a petition of the Credit Men's Association of Des Moines, Iowa, praying for the adoption of certain amendments to the national bankruptcy law, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Boone, Iowa, and a memorial of sundry citizens of Audubon County, Iowa, remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of John L. Bashore Post, No. 122, Department of Iowa, Grand Army of the Republic, of the State of Iowa, remonstrating against the enactment of legislation proposing to abolish certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a memorial of the Credit Men's Association of Des Moines, Iowa, and a memorial of the National Association of Clothiers, of New York City, N. Y., remonstrating against the passage of the so-called "Aldrich currency bill," which were ordered to lie on the table.

He also presented a petition of C. E. Boynton Lodge, No. 138, Brotherhood of Railway Trainmen, of Eagle Grove, Iowa, praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which was ordered to lie on the table.

He also presented a petition of the Farmers' Institute of Wapello County, Iowa, and a petition of the Farmers' Grain and Lumber Company, of Dows, Iowa, praying for the passage

of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Branch No. 1070, National Association of Letter Carriers, of Cherokee, Iowa, and a petition of Local Branch No. 949, National Association of Letter Carriers, of Oelwein, Iowa, praying for the enactment of legislation granting a leave of absence of thirty days to employees in first and second class post-offices and in other post-offices having city delivery service, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Dubuque, Iowa, and a memorial of Julien Lodge, No. 379, International Association of Machinists, of Dubuque, Iowa, remonstrating against the passage of the so-called "Penrose bill," to exclude nonmailable periodicals from second-class mail privileges, which were referred to the Committee on Post-Offices and Post-Roads.

#### REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 6189) granting a right of way to the Southern Pacific Railroad Company across the Fort Mason Military Reservation, in California, reported it without amendment and submitted a report (No. 451) thereon.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 6309) to provide for the completion of the park surrounding the filtration plant in the District of Columbia, and for other purposes (Report No. 452);

A bill (S. 6083) to provide for the erection of a public building at the city of Miami, in the State of Florida (Report No. 453);

A bill (S. 753) to provide for the purchase of a site and the erection of a public building thereon at Wallingford, in the State of Connecticut (Report No. 454);

A bill (S. 592) providing for the erection of a public building at the city of Walla Walla, in the State of Washington (Report No. 455); and

A bill (S. 6113) providing for the erection of a public building at Muskogee, Okla. (Report No. 456).

Mr. WARNER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3159) to authorize the extension, enlargement, and alteration of the public building in the city of Kansas City, Kans., reported it without amendment and submitted a report (No. 457) thereon.

Mr. GARY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 474) to provide for the purchase of a site and the erection of a building thereon at Abbeville, in the State of South Carolina, reported it with amendments and submitted a report (No. 458) thereon.

Mr. BRANDEGEE, from the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (S. 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains, reported it with amendments and submitted a report (No. 459) thereon.

Mr. DOLLIVER, from the Committee on Education and Labor, to whom was referred the bill (S. 5307) relating to liability of common carriers to their employees, reported it with an amendment and submitted a report (No. 460) thereon.

Mr. CLAPP (for Mr. McCUMBER), from the Committee on Indian Affairs, to whom was referred the bill (S. 549) granting medals to certain Indian policemen of the Standing Rock Agency, N. Dak., reported it without amendment and submitted a report (No. 461) thereon.

Mr. SMITH of Michigan, from the Committee on Commerce, to whom was referred the joint resolution (S. R. 55) authorizing the use of a dredger in improving the channel of Coos Bay, Oregon, reported it with an amendment and submitted a report (No. 462) thereon.

Mr. McCUMBER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 384) to provide for the purchase of a site and the erection of a public building thereon at Minot, N. Dak., reported it with amendments and submitted a report (No. 463) thereon.

#### STEAMBOAT INSPECTORS.

Mr. FRYE. I report back favorably from the Committee on Commerce the bill (S. 6290) to amend section 4414 of the Revised Statutes of the United States with an amendment to the title, and I submit a report (No. 447) thereon. The bill explains itself. It simply provides for the appointment of inspectors at Honolulu, Hawaii, and at San Juan, P. R. It is absolutely necessary for the carrying out of the requirements of law. I ask for its present consideration.

Mr. TELLER. Mr. President—

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

Mr. TELLER. I was going to ask to have it read.  
The Secretary read the bill, as follows:

*Be it enacted, etc.,* That section 4414 of the Revised Statutes of the United States be amended by inserting in the first paragraph thereof, after the words "and Burlington, Vt.," and before the words "one inspector of hulls," the words "Honolulu, Hawaii, and San Juan, P. R.;" and that the said section be further amended by inserting in the fifth paragraph thereof, after the words "and Norfolk, Va.," and before the words "at the rate of \$2,000," the words "Honolulu, Hawaii, and San Juan, P. R."

Mr. FRYE. The bill simply provides for the appointment at those two ports of local inspectors as they are required under the law.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend section 4414 of the Revised Statutes of the United States relating to steamboat inspectors."

#### THE OLD GUARD AT COLUMBUS, OHIO.

Mr. FORAKER. I am directed by the Committee on Military Affairs to report back favorably without amendment the bill (H. R. 4780) to authorize the Secretary of War to make certain disposition of obsolete Springfield rifles, caliber .45, bayonets and bayonet scabbards for same, and I ask for its present consideration.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of War to donate to The Old Guard, an independent military organization of Columbus, Ohio, whose membership is composed entirely of Union soldiers of the war of the rebellion, such number of obsolete Springfield rifles, caliber .45, bayonets and bayonet scabbards for same, not to exceed 100, which may not be needed in the service of that Department.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ADDRESS OF MR. JUSTICE HARLAN.

Mr. TELLER. On Tuesday I made some remarks in the Senate and I referred to and quoted from an address delivered by Mr. Justice Harlan, of the State of Kentucky, in the city of New York, a few weeks since. I ask that in submitting my remarks for printing I may be allowed to couple with it in the RECORD the speech of Mr. Justice Harlan. It is an admirable speech, historical in the beginning and legal and judicial in its termination. It is a speech I think everyone would like to read, and it ought to be preserved.

The VICE-PRESIDENT. The Senator from Colorado asks permission to incorporate as a part of his remarks in the RECORD the speech of Mr. Justice Harlan, to which reference is made by him. Is there objection? The Chair hears none, and it is so ordered.

#### OFFICERS OF STEAM VESSELS.

Mr. NELSON. From the Committee on Commerce I report back favorably, with an amendment to the title, the bill (S. 6201) to amend section 4438 of the Revised Statutes of the United States, and I submit a report (No. 448) thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 4438 of the Revised Statutes of the United States by striking out, after the words "chief mate, engineer" and before the words "or pilot of any steamer," the words "in charge of the watch," so that the section, when so amended, shall read:

Sec. 4438. The boards of local inspectors shall license and classify the masters, chief mates, and second and third mates, if in charge of a watch, engineers, and pilots of all steam vessels, and the masters of sail vessels of over 700 gross tons, and all other vessels of over 100 gross tons carrying passengers for hire. It shall be unlawful to employ any person, or for any person to serve as a master, chief mate, engineer, or pilot of any steamer, or as master of any sail vessel of over 700 gross tons, or of any other vessel of over 100 gross tons carrying passengers for hire, who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of \$100 for each offense.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend section 4438 of the Revised Statutes of the United States relating to the licensing of officers of steam vessels."

#### ROBERT DAVIS.

Mr. KEAN. From the Committee on Claims I report back favorably, without amendment, the bill (S. 6203) for the relief of Robert Davis, and I submit a report (No. 449) thereon. It is a brief bill; it involves only one hundred and sixty-odd dollars; the Senator from Maine [Mr. FAYE] is interested in it; and it might just as well be passed now. I ask for its consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the proper accounting officers, in settling and adjusting the accounts of Robert Davis, first lieutenant, Second Regiment Field Artillery, United States Army, to credit him with \$164.48, which amount of Government funds was stolen from his safe on or about the 6th of February, 1904, by his post quartermaster-sergeant while Lieutenant Davis was acting as quartermaster at Fort Banks, Mass.

Mr. CLAPP. Is there a report accompanying the bill?

Mr. KEAN. There is a report accompanying the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### DONATION OF CANNON TO WINCHESTER, VA.

Mr. FOSTER. From the Committee on Military Affairs, I report back favorably, without amendment, the bill (H. R. 18689) to authorize the Secretary of War to furnish two condemned brass or bronze cannon and cannon balls to the city of Winchester, Va. I call the attention of the junior Senator from Virginia to this report.

Mr. MARTIN. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Louisiana.

The Secretary read the bill, and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of War to furnish to the city of Winchester, Va., two brass or bronze condemned field pieces or cannon, with their carriages and with a suitable outfit of cannon balls, which may not be needed in the service, the same to be used at the old headquarters of Gen. George Washington, which are now owned by that city, and to be subject at all times to the order of the Secretary of War.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### OKANOGAN RIVER BRIDGE, WASHINGTON.

Mr. PILES. From the Committee on Commerce, I report back favorably, without amendment, the bill (S. 6437) authorizing the construction of a bridge across the Okanogan River, Washington, and I ask for its present consideration.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### LOWELL OBSERVATORY.

Mr. BRANDEGEE. From the Committee on Forest Reservations and the Protection of Game, I report back, with an amendment, the bill (S. 6441) granting to Percival Lowell certain land within the San Francisco Mountains National Forest, in the Territory of Arizona, for observatory purposes, and I submit a report (No. 450) thereon. I ask for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, on page 1, line 3, after the name "Percival Lowell," to insert the words:

During his life and upon his death to such trustee, person, or corporation as may be designated in his will for the conduct of the Lowell Observatory.

So as to make the bill read:

*Be it enacted, etc.,* That there be, and hereby is, granted to Percival Lowell, during his life and upon his death to such trustee, person, or corporation as may be designated in his will for the conduct of the Lowell Observatory, section No. 17, in township No. 21 north, of range 7 east, of the Gila and Salt River base and meridian, the said tract of land being within the San Francisco Mountains National Forest, in the Territory of Arizona, for observatory purposes in connection with the Lowell Observatory: *Provided*, That in the event of the removal or abandonment of the said observatory or the use of said land by the grantee for other than observatory purposes the said land shall revert to the United States: *Provided further*, That the title to the merchantable timber thereon and the right to cut and remove the same in such manner as to preserve the herbage and undergrowth in their natural condition shall remain in the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BRANDEGEE. In connection with the bill just passed, I desire to have printed in the Record a letter from the Chief Forester recommending the passage of the bill.

There being no objection, the letter was ordered to be printed in the Record, as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE,  
Washington, March 30, 1908.

Hon. FRANK B. BRANDEGEE, *United States Senate.*

MY DEAR SENATOR: With reference to the bill (H. R. 18865) for the sale of certain lands near Flagstaff, Ariz., in the San Francisco Mountains National Forest, to Prof. Percival Lowell, when I wrote to you March 2 I had been given the impression that the tract did not support any large quantity of merchantable timber, but later information from the supervisor of that national forest indicates that the timber upon this tract is of considerable value.

The supervisor's telegram is as follows:

"Lowell observatory tract section 17, township 21 north, range 7 east, level mesa breaking south and west; elevation, 7,200; clayey loam soil; malapai outcrop occasional; fragments numerous. Total merchantable timber, 3,250,000 feet, worth \$5 thousand, account accessibility mill. Examination by Drake. Letter.

"POOLER."

This fact has been reported to the President, who directs me to say that the grant should be conditioned upon the use of the tract for observatory purposes only, with a reversion to the United States if at any time it is used for other purposes, and, moreover, that the bill should reserve to the United States the power of disposing of the merchantable timber in such manner as to preserve the herbage and undergrowth in their natural condition.

I appreciate Professor Lowell's eminent scientific attainments, and believe that a grant so conditioned will accomplish the object he has in view, namely, the preservation of the herbage and undergrowth in their natural state, in order to maintain the atmospheric conditions necessary to astronomical observation.

I have written to Senator CRANE the substance of this letter.

Very sincerely, yours,

GIFFORD PINCHOT, *Forester.*

#### BILLS INTRODUCED.

Mr. FOSTER introduced a bill (S. 6459) to appropriate \$200,000 for a public building at Shreveport, La., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. FRYE introduced a bill (S. 6460) to establish a shad hatchery on the Kennebec River, in the State of Maine, which was read twice by its title and referred to the Committee on Fisheries.

He also introduced a bill (S. 6461) to establish the University of the United States, which was read twice by its title and referred to the Committee on the University of the United States.

Mr. CLAPP introduced a bill (S. 6462) authorizing the Secretary of the Interior to issue patents in fee to the Diocese of Duluth of the Protestant Episcopal Church in the United States of America for certain lands in Minnesota set apart for the use of said church for missionary purposes among the Chippewa Indians, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. DICK introduced a bill (S. 6463) granting a pension to Clara Morrison, which was read twice by its title and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 6464) for the relief of Marian E. Gibbon, which was read twice by its title and referred to the Committee on Claims.

Mr. du PONT introduced a bill (S. 6465) to create a Financial Commission, which was read twice by its title and referred to the Committee on Finance.

Mr. ALLISON introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6466) granting a pension to Sarah E. Dodd;

A bill (S. 6467) granting an increase of pension to Edwin Smith; and

A bill (S. 6468) granting an increase of pension to Thomas N. Bray.

He also introduced a bill (S. 6469) for the relief of D. M. Rowland, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. TAYLOR introduced a bill (S. 6470) granting an increase of pension to Lottie J. Lewis, which was read twice by its title and referred to the Committee on Pensions.

Mr. OWEN introduced a bill (S. 6471) conferring jurisdiction on the Court of Claims to adjudicate the rights of persons who formerly held town lots in the city of Sulphur, in the Chickasaw Nation, Ind. T., which have been taken for a United States reservation, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 6472) granting an increase of pension to Elijah Tharp, which was read twice by its title and referred to the Committee on Pensions.

Mr. BRIGGS introduced a bill (S. 6473) granting a pension to Sarah Frances Barriger, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 6474) for the relief of the late firm of Cobb, Blasdel & Co., which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 6475) to remove the charge of desertion from the military record of Andrew C. Boyd, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6476) granting a pension to Peter Lunsford; and

A bill (S. 6477) granting an increase of pension to William Potter.

Mr. LODGE introduced a bill (S. 6478) for the relief of Frances L. Snell, which was read twice by its title and referred to the Committee on Claims.

Mr. WARNER introduced a bill (S. 6479) for the relief of Margaret C. Montville, which was read twice by its title and referred to the Committee on Claims.

Mr. FORAKER introduced a bill (S. 6480) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, which was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. McCUMBER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6481) granting an increase of pension to Charles Hanson;

A bill (S. 6482) granting an increase of pension to Almont Barnes; and

A bill (S. 6483) granting an increase of pension to Edward Ash (with accompanying papers).

Mr. CARTER. Mr. President, I introduce a bill to establish postal savings banks in the United States. This bill has been approved by a subcommittee of the Committee on Post-Offices and Post-Roads of the Senate and is satisfactory to the Department, which has been consulted. I ask the reference of the bill to the Committee on Post-Offices and Post-Roads.

The bill (S. 6484) to establish postal savings banks for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes, was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

#### OSAGE INDIAN LANDS.

Mr. OWEN introduced a joint resolution (S. R. 76) relative to homestead designations, made and to be made, of members of the Osage Tribe of Indians, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. OWEN. I am authorized by the Committee on Indian Affairs to report back the joint resolution and ask for its consideration.

The VICE-PRESIDENT. The joint resolution will be read for information.

Mr. TELLER. It should be read first.

The VICE-PRESIDENT. The Secretary was ordered to read the joint resolution.

The Secretary read the joint resolution, as follows:

*Resolved, etc.* That homesteads of members of the Osage Tribe of Indians in Oklahoma may consist of land designated from any one or more of their first three allotment selections taken under the act of Congress approved June 28, 1906, entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes," the designation thereof to be subject to approval by the Secretary of the Interior.

Mr. TELLER. I should like to know if the Committee on Indian Affairs examined the joint resolution and authorized its report.

Mr. OWEN. The joint resolution has been passed upon by the Committee on Indian Affairs. It is based upon a report from the Secretary of the Interior that requested its passage.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. HEYBURN. For information, I should like to know if the joint resolution provides that Congress shall regulate what constitutes a homestead within what is now a State.

Mr. OWEN. No, sir. The Osages have three separate allot-

ments, and the joint resolution merely permits the Osage himself, with the approval of the Secretary of the Interior, to designate out of one of the three allotments the homestead he desires to retain.

Mr. HEYBURN. I supposed that homesteads would be regulated and defined by the State, as in other States, and I was rather marveling that the United States Government should be legislating in regard to what should constitute a homestead in Oklahoma.

Mr. OWEN. The homestead referred to is the homestead under the Osage agreement, and not a homestead in the ordinary sense.

Mr. HEYBURN. Still it seems to me, if they are going to be a State, they had better be a State there and regulate their own homesteads.

Mr. ALDRICH. I ask that the joint resolution be again read.

The VICE-PRESIDENT. It will be again read at the request of the Senator from Rhode Island.

The Secretary again read the joint resolution.

Mr. ALDRICH. Does the joint resolution come regularly from a committee of the Senate?

The VICE-PRESIDENT. It is reported from the Committee on Indian Affairs.

Mr. CLAPP. Mr. President—

Mr. ALDRICH. I do not object to it.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### PRINTING PAPER AND WOOD PULP.

Mr. OVERMAN. I introduce a joint resolution and ask for its present consideration.

The joint resolution (S. R. 77) to put printing paper and wood pulp on the free list was read the first time by its title and the second time at length, as follows:

*Resolved, etc., That all printing paper suitable for or adapted to the printing of newspapers, periodicals, or books, and all wood, wood pulp, used in the manufacture of printing paper, when imported into the United States, shall be exempt from duty.*

Mr. HEYBURN. Has the joint resolution been reported from a committee?

The VICE-PRESIDENT. It is not reported from a committee. It was introduced by the Senator from North Carolina, with a request for unanimous consent for its present consideration.

Mr. HEYBURN. I object.

The VICE-PRESIDENT. Objection is made. The joint resolution will be referred to the Committee on Finance.

Mr. GALLINGER. Would it be in order to move that it be referred to the Committee on Finance?

The VICE-PRESIDENT. It has been so referred.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. du PONT submitted an amendment proposing to appropriate \$1,200 for the salary of overseer and laundryman at the Washington Asylum, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FORAKER submitted an amendment authorizing the Postmaster-General to investigate the feasibility and desirability of the Government purchasing the equipment for pneumatic-tube service and thereafter operating the same in the cities where such service is now in operation, intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

#### PUBLIC EDUCATION IN THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT. Is there further morning business? If not, the morning business is closed.

Mr. BURKETT. I move that the Senate proceed to the consideration of the bill (S. 4032) to establish the direction and control of public education in the District of Columbia.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Nebraska.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The VICE-PRESIDENT. The bill will be read.

The Secretary proceeded to read the bill.

Mr. SMOOT. What bill is now under consideration?

The VICE-PRESIDENT. Senate bill 4032, to establish the direction and control of public education in the District of Columbia.

Mr. SMOOT. I did not hear the motion put.

The VICE-PRESIDENT. The Chair put it distinctly to the Senate. The bill is before the Senate.

Mr. SMOOT. I should like to have the regular order of business. It is not yet 1 o'clock.

The VICE-PRESIDENT. The pending bill is the regular order upon motion and by a vote of the Senate. The Secretary will resume the reading of the bill.

The reading of the bill was concluded.

The first amendment was, in section 1, on page 1, line 3, before the word "first," to strike out "April" and insert "July;" on page 2, line 1, after the word "secretary," to insert "and supervising principals;" and in line 3, before the word "first," to strike out "April" and insert "July;" so as to make the section read:

That on and after July 1, 1908, the direction and control of the public schools of the District of Columbia shall be, and are hereby, transferred from the board of education and vested in a director of education, who shall succeed to all the powers hitherto resident in said board of education and in certain officers of said board, to wit: Superintendent, assistant superintendent of white schools, assistant superintendent of colored schools, and secretary to the said board. The offices of said superintendent, assistant superintendents, and secretary, and supervising principals are hereby abolished, to take effect July 1, 1908.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 7, after the word "appointed," to insert "unless he shall be sooner removed by the Commissioner of Education," so as to make the section read:

SEC. 2. That the director of education shall be appointed by the Commissioner of Education of the United States for a term of four years, or until his successor shall be appointed, unless he shall be sooner removed by the Commissioner of Education. No person shall be eligible to the office of the director of education who shall not be a graduate of a college or university of recognized standing, have pursued not less than three years of graduate university work or the equivalent, and has held educational positions of superior direction and control for a period of ten years or the equivalent.

The amendment was agreed to.

The next amendment was, in section 3, on page 2, line 14, to strike out the following words at the beginning of the section: "That the offices of supervising principals are hereby abolished, to take effect July 1, 1908;" in line 16, to strike out "that date" and insert "July 1;" and in line 20, after the word "education," to insert:

One of whom shall be designated in writing by the director of education to perform, during his necessary absence or inability from any cause, the duties hereby imposed upon the said director of education, without extra compensation.

So as to make the section read:

SEC. 3. On and after July 1 the director of education shall appoint seven assistant directors, two of whom shall be colored, for terms not exceeding four years, who shall at all times be under the direction of the director of education, one of whom shall be designated in writing by the director of education to perform, during his necessary absence or inability from any cause, the duties hereby imposed upon the said director of education, without extra compensation. The director of education is empowered to dismiss such assistant directors as he may deem advisable for the good of the service. The director of education shall report annually to Congress upon the first Monday in December. The salary of the director of education shall be \$6,000 annually. The salary of the assistant directors of education shall be \$3,500 annually.

The amendment was agreed to.

The VICE-PRESIDENT. If there are no further amendments proposed, the bill will be reported to the Senate.

Mr. NELSON. Mr. President, I desire to be heard on the bill.

Last year Congress passed a bill reorganizing the educational system of this District, and providing for a board of education. The pending bill proposes utterly to legislate out of existence the board of education here and to put the schools of the District of Columbia in the hands of one person, to be appointed by the Commissioner of Education.

If there is anything that the American people take an interest in it is the public schools, and all over this broad land in every city, big or small, the people themselves have an opportunity to say something about the management of their public schools. This is the first instance I know of or have heard of where it is attempted to entirely disfranchise the people of a large city and a large community such as the city of Washington. Why the people of the District of Columbia, with a population of nearly 400,000, should be utterly disfranchised and their schools put under the control of an autocrat passes my comprehension.

Who is to appoint this man and from where is he to come? There is no provision in the proposed law as to what place he may come from. The Commissioner of Education may appoint a man from Alaska, Hawaii, or from anywhere within the boundaries of the United States to come here and take charge of the schools of the District of Columbia.

Mr. SCOTT. May I ask the Senator a question?

Mr. NELSON. Certainly.

Mr. SCOTT. Do not some of our judges come from the States, and not from the District of Columbia, and yet their duties are entirely within the District?

Mr. NELSON. That is entirely different. What are the duties of the Commissioner of Education? The duties of that office are mainly statistical. The only educational business that he has any charge of is simply that through Doctor Jackson he has charge of the education of the natives of the district of Alaska.

I have heard it said, Mr. President, that the people of the District of Columbia ought to submit to this autocratic power because the Government pays half the expenses. Senators must remember that the Government made magnificent grants of land to the public schools of all the great States of the Union. The agricultural-college grant was given to all the States, and we increased the annual appropriation last year from \$25,000 to \$50,000 for the support of agricultural colleges, and we have given to all the public-land States a grant of two sections in every township for public schools. We have given the States and Territories all this assistance to carry on their public schools, and yet we have never undertaken, not even in any of the Territories, to divest the people of the power of managing their schools.

The people of this District, Mr. President, are sufficiently disfranchised to-day. Their government is in the hands of three Commissioners, and they have to come to Congress for every bit of legislation, a good deal of which is such as is enacted by the common councils of municipal corporations.

Now, to take the last vestige of self-government out of the hands of the people here, especially in a matter that is so near and dear to the American people as the public schools, seems to me to surpass all comprehension and to be a great outrage on the people of Washington. I do not know and I can not conceive what wrongs the people of Washington have perpetrated that they should be penalized in this manner.

The Committee on the District of Columbia reported a bill last year to reorganize the schools. We were then given to understand that if that law were passed we would have a good system of schools. It provided for the appointment of a board of education consisting of nine members, in which all sides were represented and participated.

Mr. GALLINGER. Mr. President—

Mr. NELSON. Unfortunately a superintendent was selected for the head of the schools of the District of Columbia who in some manner kept in hot water during the entire year—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from New Hampshire?

Mr. NELSON. Certainly.

Mr. GALLINGER. The Senator, of course, desires to be accurate. That is his purpose always. The Senator says the bill of last year provided for the appointment of a board of education. For a great many years there has been a board of education here. That was not a new provision.

Mr. NELSON. I know. Always since they organized their system of schools here they have had a board of education.

Mr. GALLINGER. And that board has been in a row pretty nearly every day since it was appointed.

Mr. NELSON. Mr. President, when this bill was pending before the committee representative bodies of teachers and of other public organizations here desired to be heard before the committee. A committee of the chamber of commerce of this city attended and desired to be heard, and they were refused a hearing. Scarcely anybody was heard in regard to this bill. I have here a statement containing the objections of the Washington Chamber of Commerce to the passage of this bill, which I ask may be read at the Secretary's desk for the information of the Senate.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

#### OBJECTIONS TO THE DOLLIVER LAW.

##### 1. LOCAL CONTROL.

The present school law provides for local control of our schools. The Dolliver bill contains no such provision, but under it the schools which the children of the people of this District must attend may be managed entirely by nonresidents. The citizens of the District are taxed to support the schools, but under the Dolliver bill they are not assured of any voice in regard to them.

##### 2. AUTOCRATIC POWER.

The Dolliver bill abolishes the board of education, secretary of the board, the superintendent, assistant superintendents, and the supervising principals, and vests an autocratic control of the schools in a director of education to be appointed by a Federal officer, the Commissioner of Education, responsible in no way to the people of this District.

##### 3. ONE-MAN POWER UNCHECKED.

The Dolliver bill, after providing for the appointment of a director of education, authorizes said director to appoint seven assistant directors, any or all of whom he may remove summarily at his discretion. No educational qualifications are prescribed for these assistant directors, and they are necessarily entirely subservient to the director.

##### 4. PRESENT LAW.

The Dolliver bill nullifies or makes easy the nullification of all the good features of the present law, which features were put into the present law to guarantee justice and fairness in regard to appointment, promotion, and dismissal of officials and teachers. The Dolliver bill places no check on the director of education in the direction of the disbursement of school funds.

##### 5. IDEAL MAN.

The Dolliver bill requires an ideal man in all moods and at all times, and it is folly to expect to secure such a man. In whatever measure he may have bad qualities, the opportunity for him to do harm is unlimited and unchecked so long as he is solid with the appointing power.

##### 6. POLITICAL DISTURBANCE.

The Dolliver bill provides a system of school administration that is peculiarly liable to be dominated and controlled by political and other powerful influences. Under the unchecked control of a director of education, dependent for continued tenure in office on a dependent Federal appointing power, the schools will be continually in danger of having pressure successfully applied to introduce into them incompetent if not otherwise undesirable teachers. The citizens of the District having no assurance of a voice in school matters, local public sentiment will be ineffective or utterly unavailing to prevent or correct any evils which may arise.

##### 7. SUPERVISION.

The Dolliver bill destroys entirely the present supervision of the 1,100 graded school classes and the 1,100 teachers of those classes.

(a) The principals of the school buildings are themselves teachers, and could not possibly exercise the necessary supervision and preserve uniformity in the system.

(b) The seven assistant directors could not possibly perform these supervising duties, as they, in connection with and under control of the director, will be charged with all the duties of the two assistant superintendents as well as all the business affairs of the schools.

##### 8. TESTIMONY FROM THE SCHOOLS.

With practical unanimity the school officers and teachers testify that the present law is an admirable one, and none of them has suggested or advised changes to the committee, except in comparatively unimportant details which may be made by minor amendments. The few who have suggested any changes are opposed to asking that they be made at present, for fear of a change in the general features of the law which are absolutely satisfactory. The present law is scientifically framed and provides admirably for efficient administration, and proper protection for the teachers and the public interests.

##### 9. TEACHERS—HEARING.

The teachers of the city are thoroughly alarmed at the prospect of the enactment of the Dolliver bill, which was reported favorably to the Senate without a hearing to the teachers or school officials or citizens of this District, save a few who were favorable to the bill. The Washington Chamber of Commerce, through its public school committee, requested a hearing before the Senate District Committee, but the request was not granted.

##### 10. PEACE AND QUIET.

A reasonable discussion of school affairs will take place in any community, and only good results from it. That some little excitement might arise from certain exigencies occasionally to be dealt with in school matters affords no justification for taking away the rights of the people to a local and representative control, and entirely depriving them of any voice in school matters by fastening upon them an autocratic system of control in which they can have no say.

The exigencies which gave rise to the trial of the late superintendent caused an agitation and discussion which has been magnified by a few enemies of the present school system and made the basis of a charge that factions which do not exist have been created in the schools. The people generally approve the result that has been brought about by their representative body, the board of education of the District of Columbia, and it is not too much to say that practically complete harmony will prevail in school affairs in the District of Columbia, and that the best class of educational work is possible if the present law is not disturbed.

Peace and quiet obtained under an imperial and autocratic control will be obtained at the expense of justice and fairness, and by creating a condition of helplessness, except for a few possessing influence. A short duration of such autocratic control would probably result in introducing more harm into the schools of the District of Columbia than could be eradicated in many years. That there is no demand except upon the part of a very few people for any such change in our school laws as that proposed by the Dolliver bill, and that there is no necessity for it, could, it is believed, be readily established at a hearing.

So far as the committee has been able to discover, there is no community in the United States where the autocratic control of public schools is vested in a single man, or where the control of the schools is divorced from the voice of the people locally concerned. It is quite certain that the Dolliver bill is out of all harmony with the laws under which the public schools of this country are administered.

Mr. NELSON. Mr. President, I do not want to take up the time of the Senate needlessly in the discussion of this bill. It seems to me that it is very apparent that it would be a great outrage on the people of Washington to deprive them of those privileges in connection with educational affairs that are accorded to the citizens of every other municipality and town in this country. In view of that fact, I move to recommit the bill to the committee that reported it.

The VICE-PRESIDENT. The Senator from Minnesota moves to recommit the pending bill to the Committee on the District of Columbia.

Mr. BURKETT. Mr. President, I want to ask the Senate to give me two or three minutes—

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. BURKETT. Certainly.

Mr. GALLINGER. If the Senator will permit me just one word, I will say that I listened with some attention to the document that was read from the desk, which is a report of the committee on public schools of the Washington Chamber of Commerce. I simply want to say in that connection that the chairman of the board of education is the president of the Washington Chamber of Commerce, and if that gentleman is to be discussed, there will be some things said about his management of the schools here that may be interesting.

Mr. BURKETT. Mr. President, I want to ask the Senate to give me, in the few minutes that I shall talk, close attention, and I will try to make plain what this bill is to do and why we have reported it.

I wish to say in the beginning that no Senator who has not served on the District of Columbia Committee can realize all the troubles that come to a Senator who serves on that committee. There is nothing more aggravating and more trying than the problems of any municipality, and I undertake to say that there is not anything in all municipal affairs that is so tender and that needs so much care and so much consideration as the school part of municipal affairs. I wish also to remind the Senate that the Committee on the District of Columbia was put in charge of this legislation by a vote of the Senate. When we came to Washington last fall the District of Columbia was in a jumble, a turmoil—I used the word “jumble” because that was the condition, but the Senator to my right suggests “turmoil” as better—with reference to our schools.

There was complaint everywhere that our school system and our school management were wrong. The school superintendent had not been able to do what it was thought a school superintendent ought to be able to do; the school board had not been able to do what the idea of the people suggested that school boards ought to do. Every member of the Senate and of the House of Representatives was besieged by teachers, by citizens, and by officers of the board to do something to straighten out this school trouble. A resolution was introduced asking the District of Columbia Committee to give some special attention to the then existing condition of the school board. A subcommittee of that District Committee was appointed, and to that subcommittee was referred that resolution.

I had the honor of being chairman of that subcommittee to which was referred the resolution. There were four other members of that subcommittee, as careful and painstaking and competent men as there are on the floor of the Senate. They gave to this matter as much care, as much consideration, and as much concern as I have ever seen given to any subject in this body or in any other legislative body in which I have ever served.

About the time we were beginning that consideration, what is known as the “Dolliver bill” was introduced in the Senate. That bill was referred to the subcommittee. After some amendments were adopted—there are one or two other amendments still to be made before the bill should be passed—the subcommittee unanimously reported favorably on the passage of this bill.

The bill was taken before the District Committee, and a practically full attendance, I may say, was present of members of the committee that morning. The bill was explained at length. Practically the entire morning was taken up at the hearing of the report of the subcommittee on the bill. That committee unanimously, with one exception, favored reporting the bill, and that one exception—

Mr. DILLINGHAM. Mr. President—

Mr. BURKETT. Just let me finish, please. That one exception was to only a portion of the bill. So the bill comes before the Senate with that indorsement.

Mr. DILLINGHAM. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Vermont?

Mr. BURKETT. Certainly.

Mr. DILLINGHAM. Do I understand the Senator from Nebraska to say that there was a full committee when this bill was considered?

Mr. BURKETT. I said “practically a full committee.” I did not say “full,” because I suppose there may have been one or two absent.

Mr. DILLINGHAM. I was detained from that meeting of the committee by illness.

Mr. BURKETT. I took particular pains to say “practically a full committee.” I say it was an unusually full committee.

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Illinois?

Mr. BURKETT. I do.

Mr. HOPKINS. The Senator from Nebraska in his remarks referred to a hearing before the subcommittee. I should like to know what educators appeared before the subcommittee, and what was the nature of the objection to the existing law that was advocated by the different parties who came before the subcommittee that led to the adoption of the bill that is now proposed.

Mr. BURKETT. I will say—

Mr. FLINT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from California?

Mr. BURKETT. Yes.

Mr. FLINT. I would like to ask the Senator from Nebraska, in further discussion of the subject brought out by the Senator from Illinois, whether he will state to us whether in this hearing it was shown that there was any combination in the present board of education?

Mr. HOPKINS. We can not hear the Senator from California.

Mr. FLINT. I asked the Senator from Nebraska, when he was discussing the question called out by the question of the Senator from Illinois [Mr. HOPKINS], if he would state whether or not the hearing before this committee satisfied him and the other members of the committee that there was any combination among the members of the board of education of this city, so that certain members of the board were acting in harmony in connection with all the legislation and ignoring practically other members of the board.

Mr. BURKETT. Mr. President, I would rather not be asked to answer that question directly. There have been so many charges and so much crimination and recrimination hurled back and forth between the members of the board, between teachers and other teachers, and between teachers and the board that some of it is scandalous.

I want to say, in reply to the Senator from Illinois [Mr. HOPKINS], that I hope he will not think that any member of that subcommittee was less honest in his endeavor, although he might have been less competent, than the Senator from Illinois, but that any member of that subcommittee was less honest and less earnest in the endeavor to try to bring about something in this school matter that would adjust it for us.

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Illinois?

Mr. BURKETT. Certainly.

Mr. HOPKINS. The question I asked would not impugn either the honesty or the integrity or the ability of the subcommittee. My question was propounded to the Senator for the purpose of getting light upon this subject. This bill which is proposed by the committee is a complete revolution from existing conditions. The change, as stated by the Senator from Minnesota [Mr. NELSON], is a remarkable one, and if the Senators upon this floor are asked to follow the committee, it seems to me that the Senator in charge of the bill should put us in possession of the facts, so that we can act as intelligently upon those facts as did the committee which reported the bill.

Mr. BURKETT. I will say, Mr. President, that the Senator who is talking has been endeavoring to take the bill along step by step, stating exactly what has been done. I have myself forgotten now what I was talking about when the Senator interrupted me with his question.

Mr. NELSON. Will the Senator yield for a question?

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. BURKETT. Certainly, for a question.

Mr. NELSON. I have here a copy of the printed hearing on this bill before the committee, and it seems that no one appeared before the committee to make any statement except an old retired rear-admiral, who had been appointed on the board and who had become disgruntled in the early stages of the proceedings and had resigned. Was anybody else, outside of the members of the committee and this rear-admiral, heard by the subcommittee?

Mr. BURKETT. I will say to the Senator from Minnesota that a whole lot of us will do well if we will bear our years and our reputations as well as that distinguished “old disgruntled rear-admiral” to whom the Senator has referred.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. BURKETT. Certainly.

Mr. GALLINGER. If the Senator will permit me to inject a suggestion, the committee room was filled with people, who might have been heard had they asked for a hearing.

Mr. BURKETT. We took the matter up, and I will say the committee did not lack for information. I want to say to the Senate just what this bill does. There are just two things that this bill does, and I can show to the Senate in a moment why it was that the school board were absolutely incompetent witnesses at this sort of a hearing.

The bill does two things. It abolishes the school board of the District of Columbia and discharges thirteen supervising principals. The Senator from Minnesota talks about the school reorganization and about the bill that was passed two years ago. I want in passing just to throw in this suggestion.

Mr. CLAY. With the Senator's permission—

Mr. BURKETT. Please let me get through, and then the Senator may proceed.

At the time the school bill was passed two years ago, I stood on this floor and said to the Senate that it was not a perfect bill; that those thirteen supervising principals should be abolished; that there was not another school system in the United States that had that sort of an organization, and that every educator that had ever been permitted to testify or to give attention to the matter said that Washington never could have a good school system until those thirteen supervising principals were abolished. We realized when we undertook to abolish them in the bill two years ago that those thirteen supervising principals reached out and had their fingers on 1,300 teachers in the District of Columbia.

Every teacher in the graded schools in the District of Columbia has his or her efficiency record marked up or down by those thirteen supervising principals, and when any legislation was proposed to abolish those thirteen supervising principals, they at once had their fingers on 1,300 teachers in the District of Columbia, who, in turn, ramified throughout the District and commanded a wonderful influence. We realized that, involved as that bill for the reorganization of these schools was, extensive as it was in its limits and in its functions, it had all the troubles it could bear without throwing into it or injecting into it the personal fight of these thirteen supervising principals, who ramified throughout the entire District in a personal way.

The Senate will remember that we had to stand up on this floor and assure the Senate and assure the people of the District of Columbia and the teachers that no teacher should be thrown out of his or her job at that time. Why? Because we realized that to get that reorganization bill through we had to assure the teachers that none of them would lose their jobs, so as to prevent them from organizing a propaganda against the bill.

Now, let me say that every person, every board of trade, every newspaper, and school-teacher, everyone opposing this legislation now opposed that legislation two years ago. Every one of them, without a single exception, is here testifying to the wisdom of that legislation of two years ago and condemning this additional legislation now. If I had the time, I could tell the Senate why that is.

Mr. HOPKINS. Right there, does the Senator mean to say that the two years' experience that the teachers and those interested in the schools have had has shown them that they were in error two years ago and that the supervising principals are beneficial to the educational system?

Mr. BURKETT. I did not say anything of the kind to the Senator. I am willing to have him ask any question for information, but I do not want any catch questions here. I have no personal concern in this. I am willing to answer any question, but I do not want to be bothered here with catch questions.

Mr. CLAY and Mr. HOPKINS addressed the Chair.

The VICE-PRESIDENT. Does the Senator from Nebraska yield?

Mr. BURKETT. I yield to the Senator from Georgia.

Mr. HOPKINS. I disclaim any idea of "catch questions." I simply took the statement of the Senator from Nebraska, who said that when the bill was before Congress two years ago there were objections to the supervising principals, but that the very parties who had had the experience of two years with them now come and protest against abolishing them.

Mr. GALLINGER. No; they do not.

Mr. BURKETT. If I created that impression on the Senator, I will correct it. I did not suppose I had created that impression on anyone.

Mr. HOPKINS. I simply took the language of the Senator.

Mr. BURKETT. I apologize to the Senator. If I created that impression on the Senator, I should like to correct it.

Mr. CLAY. Mr. President—

Mr. BURKETT. Let me answer the question. The committee two years ago, in considering the matter, in their judgment, thought they ought to abolish the thirteen supervising principals, but then it was merely broached or talked of, and they at once set about to defeat this reorganization bill and the committee dropped it at once.

I say that all the people who are against this bill to-day were against that bill two years ago. The newspapers fought that bill two years ago very actively, just as they are doing now. The board of trade and all these people fought that bill two years ago. I say all those people are now petitioning us to let things be as they are, and hence are all indorsing the bill of two years ago.

Mr. CLARK of Wyoming. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Wyoming?

Mr. BURKETT. Certainly.

Mr. CLARK of Wyoming. I should like to make an inquiry of the Senator. He fears the result of having the action of thirteen hundred teachers influenced by thirteen supervising principals. Does he think that the danger would be lessened or the influence would be lessened if the thirteen were consolidated into one man? In other words, would it not be concentration of authority greater than he is willing now to extend to the present board?

Mr. BURKETT. I will say that the Senator from Wyoming misunderstands me if he thinks that that is the object of abolishing the thirteen supervising principals.

Mr. CLAY. Mr. President—

Mr. BURKETT. I said I would yield to the Senator from Georgia. I now yield to him.

Mr. CLAY. I want to call the Senator's attention to this bill. There are only two features in it.

Mr. BURKETT. Just two.

Mr. CLAY. The bill provides—

That on and after July 1, 1908, the direction and control of the public schools of the District of Columbia shall be, and are hereby, transferred from the board of education and vested in a director of education, who shall succeed to all the powers hitherto resident in said board of education and in certain officers of said board.

Now, again:

SEC. 3. On and after July 1 the director of education shall appoint seven assistant directors, two of whom shall be colored, for terms not exceeding four years, who shall at all times be under the direction of the director of education.

I want to ask the Senator this question: Will not this bill, if it becomes a law, place the educational affairs of the District of Columbia absolutely and unconditionally in the hands of one man? He can dismiss teachers, and the assistant directors must act as he says. They are his directors and also subject to his orders. Is it not true that the members of the board of education of the District of Columbia ought to be citizens of the District of Columbia, selected from the very best people of this District? And ought not the board of education of a great city like this really control, and practically ought not the schools be subject to their orders? If we pass this bill, we absolutely place in the hands of one director the control and management of the schools of the city of Washington.

Mr. BURKETT. Now, Mr. President, I will say to the Senator that that is the object of the bill. I do not want to disguise anything. It is to get rid of a school board that has been troubling us ever since we have had a District of Columbia. Let me say to the Senate now, with reference to that, that matters could not be much worse. In the last ten years we have had four different school boards in the District of Columbia, and we have had forty-two different members of the school boards in the District of Columbia in the last ten years. That is the condition. That is a practical result of the system. It is all right to talk about getting citizens of the District of Columbia to serve on the school board, but you can not get the citizens of the District of Columbia to serve on the school board or to stay on the school board—that is, those who would seem to be the most desirable to be members of the school board. For instance, a very prominent member—

Mr. TELLER. Mr. President—

Mr. BURKETT. Just let me finish. A very prominent citizen of the District of Columbia came to me. He had been a member of the school board, and he said, "Senator, I think we ought to have control over things of a local nature." I said,

"Certainly; so do I. Will you serve on the school board? Why did you not serve when you were appointed two or three years ago?" That same man was appointed to the school board because he was a very distinguished man, and just such a man as we ought to have on the school board; but he served four months and resigned. The president of one of our great educational institutions here came to me and said, "I think we ought to have a voice in the school board." "Very well," I said; "why did you not stay on the school board when you were appointed two years ago, under the present law?" So in the last nine years we have had four complete changes in the school board, including forty-two members of the body in that time. Under those conditions it is not possible, I submit, to have a school-board system or any other kind of a system to get good results.

Mr. SMITH of Michigan. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Michigan?

Mr. BURKETT. Certainly.

Mr. SMITH of Michigan. The school board to which the Senator refers performs a labor of love, does it not? Its members do not get any compensation?

Mr. BURKETT. No.

Mr. SMITH of Michigan. What would the Senator say if an amendment were proposed in line 9, page 2, after the word "not," so that the section would read:

No person shall be eligible to the office of director of education who shall not have been an actual bona fide resident of the District of Columbia for five years previous thereto.

I will say—

Mr. BURKETT. Mr. President—

Mr. SMITH of Michigan. Before the Senator answers, if he will permit me, I will say that my amendment places a citizen of Washington with direct authority in charge of these schools.

Mr. BURKETT. May I ask the Senator a question? Does he know of any resident of the District of Columbia who has the qualifications that a director of schools is required to have under this bill?

Mr. SMITH of Michigan. I think the people of the city of Washington are as competent to deal with their school affairs and with governmental affairs as the people of any city in the country, and I say that the bill is a very unfair discrimination against the people of this city whose children attend the public schools.

Mr. BURKETT. Now, Mr. President, I want to continue along at least until I get my statement in some sort of connected shape.

That is one of the objections that was raised here. The Senator from Minnesota said we might go to California or to Arkansas or to some place else and get a superintendent. Let me say to the Senator that when the people up in Milwaukee wanted a superintendent, they went down into Nebraska and got a superintendent. There is not any place in this country where it is contended that you should take your superintendent of schools from the local town or State. Such a proposition never was suggested.

Mr. SMITH of Michigan. Mr. President, if the Senator—

The VICE-PRESIDENT. Does the Senator from Nebraska yield further to the Senator from Michigan?

Mr. BURKETT. Certainly.

Mr. SMITH of Michigan. The Senator did not understand me to refer to the superintendent. I was directing my amendment and the observation to the director of education and not to the superintendents.

Mr. BURKETT. Well, I will say to the Senator that he has not read the bill carefully, or he would see that the director is the real superintendent.

Mr. SMITH of Michigan. I do not so read it, and I have read the bill very carefully.

Mr. BURKETT. The Senator should read it over again, and he will see.

Mr. CLARK of Wyoming. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Wyoming?

Mr. BURKETT. Certainly.

Mr. CLARK of Wyoming. I want to ask a question of the Senator for information. He has spent a great deal of time, trouble, and study, I know, upon this school situation. I want to ask him if, in the investigation of the situation here, he has found it to be a fact that any other city of the United States controls its school affairs along the lines indicated in this bill?

Mr. BURKETT. I will say that the system in Buffalo is very similar to this. I will also say in reply to the Senator, that of course he understands there is no other place in this country where the people do not have a vote.

Mr. CLARK of Wyoming. I understand that.

Mr. BURKETT. If they had a vote here and the school board had to be responsible to the people, it would be a different proposition.

Mr. CLARK of Wyoming. What I wanted to get at was whether or not the committee, in their consideration of this proposition, knew of any precedents where such a system had worked out well or ill.

Mr. BURKETT. They have got practically the one-man power, as I say, up in Buffalo.

Mr. GALLINGER. If the Senator will permit me, I will say that neither is there any other city where the Government is an equal partner in the matter of paying taxes. I will add, if the Senator will permit me further, the contention that this matter should be left in the hands of the people of the District of Columbia is not very convincing when we recall the fact that the court of appeals of the District of Columbia is composed of a judge from Texas, a judge from Vermont, and a judge from Wyoming, I think, and that the postmaster of the city of Washington, I believe, is a citizen of the State of New York.

Mr. CLARK of Wyoming. He is a citizen of the District of Columbia, as the Senator will see if he will examine the record.

Mr. GALLINGER. I recall the fact that a very vigorous fight was made against him on the ground that he was not a citizen of the District of Columbia at the time of his appointment, and he was not a citizen of Washington at that time.

Mr. BURKETT. Now, Mr. President, I want to go back, and I will ask that I be permitted to continue this statement until I get it in a somewhat connected form.

This bill does two things. It puts the management of the schools into the hands of a director of education, or superintendent, which is the same thing, with just a change of name, and it abolishes the thirteen supervising principals.

Now, let me call attention to the fact that I have here a verbatim copy of all the records of the school board for the last year. I have taken occasion to go through them, and there is not anything in them except educational matter. The Senate should remember that Congress appropriates every dollar for the schools of the District of Columbia. The school board does not have anything to do with the expenditure of the money or the appropriating of money. Congress appropriates specifically every dollar of money that is used.

As the Senate will remember, in the appropriation bill each year the salary of every teacher is appropriated for specifically; the salary of the principal of every school is appropriated for specifically; and if there is to be a school building erected, Congress appropriates for that building so much money, provides where it shall be located, and so forth, specifically. The money is paid out under the direction of the Commissioners of the District of Columbia. When schoolbooks are bought, the Commissioners of the District of Columbia distribute the money for that purpose. So the school board have never had any function of a fiscal nature in connection with the schools.

There is only the other side, and that is the educational side of the school system, and the superintendent of schools attends to that.

The board of education, without anything of a financial or fiscal nature to do, has used its time interfering—I do not say that in a harsh way—but it has interfered with the educational part of the work, the part that belongs to the superintendent of schools, and, as a result, there have been constant broils in the schools. There has never been a time in the ten years that I have been in Congress that we have not had constant broils and constant turmoil in the school; and, in my opinion, there never will be such a time so long as we have a board of education with no duties to perform except the duties that belong strictly to the superintendent of education. If the Senators will look through this record, they will find that practically all that this board of education has ever done was to designate, for instance, a teacher to go from the Force School to the Adams School, or to send this teacher to that school, or something of that nature that a superintendent of education ought to do unlet and unhindered. There has been nothing for the board of education to do.

Now, I will call the attention of the Senate to the fact that the recent trouble, which raised the disturbance that we had when we came down here last fall, was due to a difference of opinion as to when German should begin to be taught in the public schools. It seems that the superintendent of education thought it ought to be begun to be taught at the seventh grade, I believe. Some members of the school board thought it ought not to be begun until the twelfth grade or the tenth grade, and they got into trouble over when German should begin to be taught in the public schools. That difficulty was magnified. One thing brought on another, until we had all the troubles

which finally resulted in the discharging of the superintendent of schools. Perhaps he had committed crimes enough to warrant his discharge. I am not saying anything about that, because I do not know anything about it, and I will say that I do not care anything about it; but the whole thing started over the question as to when German should begin to be taught in the public schools. The trouble was largely between the superintendent of schools, an educator, and a business man down here on Pennsylvania avenue thinking that he knew more about when German should be started than did this professional educator. It is because of the conflict of authority between the board of education and the superintendent of schools that this turmoil has been kept constantly going on.

Now, let me call attention to another thing. If the Senators have read last evening's papers or this morning's papers, they will see that a great controversy is going on now between the Commissioners of the District of Columbia and the board of education. Ever since the great schoolhouse fire out in Ohio all over this country the people have been looking after fire escapes on school buildings, and if you have read the papers and read of the controversies you will see that there is an absolute deadlock in the District of Columbia to-day between the District of Columbia Commissioners and the board of education on this question of fire escapes. Only the other day I talked with the building inspector about it, and absolutely there is nothing to be done because of the fussing and quarreling between the one having authority and the other having directory power, the one having directory power refusing to do anything because it does not have authority, and the one who has authority having nobody to enforce its decrees. So the board of education comes in as a sort of fifth wheel between the Commissioners of the District of Columbia on the one side, who have all the fiscal end of the District affairs to attend to, and the director of education on the other side, who has the educational system and the direction of schools in hand. So they are not of consequence; they are not necessary.

The Senator asks if there is any other town that compares with this. There is not any other town in the country that has a board of commissioners like the District of Columbia has, given by law, with certain duties and certain authority and certain prerogatives. With reference to the school system that we have here in the District of Columbia, there is not another community that is just like this, and there never has been.

The committee realized that fact when they drew the former bill, two years ago. We did not want to take anything away from the District. We said, "Let us continue this school board." Some said, "What is the use of having a school board? What need is there for it? Why should we continue it?" We said that the trouble perhaps has been that the District Commissioners have been appointing this board of education. They have had trouble. Let us try somebody else. We thought of the President. We thought of pretty much everybody to appoint the board of education, and finally we said, "We will have the judges of the supreme court of the district of Columbia appoint the board of education, and perhaps we will get a board then that will not keep up this constant contest and these squabbles, one that will properly recognize its fair limitations, cut out all this trouble, and keep the schools out of the turmoil that they have been in." We did that thing. The result was that all the politics, all the fussing, all the social affairs, and everything in the District of Columbia, some way or other, centered in this board of education; and when they came to appoint the board of education the appointing power could not be free for a single moment. They were assaulted by all the cliques and factions, and all the politics and all the social affairs in the whole District were jammed onto them, and they were instructed how they should appoint the board of education and whom they should appoint.

The result was that when the board of education was appointed, upon them was visited all the politics, and so forth, in this District; and there has been one continual squabble ever since the day that this school board went into operation under that bill. In short, the same result, the same trouble, has attended every moment of the life of this school board that has attended every other school board that we have ever had in the District of Columbia.

Now they say: "Bring into the school board the men of the District of Columbia." Take the members of that board of trade, that has been so dreadfully exercised about how to handle District of Columbia affairs. The postmaster himself is one of them, and he signed their statement and came up to see me personally about "taking the school management out of the hands of the dear people of the District of Columbia." I turned on him and said, as the Senator from New Hampshire has

stated, "It was only about sixteen months ago that this same board of trade was up here protesting against your appointment because you were not a resident of the District of Columbia." The members of that board of trade are not, strictly speaking, actual residents of the District of Columbia as we are of our respective States. Half of them, perhaps, vote somewhere else or owe allegiance somewhere else or own property somewhere else, and they are citizens of somewhere else, as a matter of fact.

I want to speak with reference to these thirteen supervising principals. That is the thing that is causing the trouble. It is not the board of education. The Senate does not want to misunderstand the question and the real controversy here. There is not anybody much who cares about the board of education except the board of education.

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Illinois?

Mr. BURKETT. Just let me finish what I am saying, and then I will yield. I want the Senate to understand that the president of the board of education, Mr. Oyster, is the president of this same commercial club. He is the man, and his particular friend appoints these committees. That is the result which comes out of it. Nobody else cares anything about the board of education. It is the thirteen supervising principals who have made all this talk. I am not blaming them. They are doing just what every other man who holds positions would do, and they are the persons who are making the arguments against the bill. Now I yield to the Senator from Illinois.

Mr. HOPKINS. I was going to suggest that if there is no trouble with the board of education and if the only trouble that has occurred in the educational administration here in the city of Washington has been occasioned by the supervising principals, why did not the committee, instead of attempting legislation of the character proposed in the bill—

Mr. BURKETT. Mr. President, I refuse to yield longer.

The VICE-PRESIDENT. The Senator from Nebraska declines to yield further.

Mr. BURKETT. I will not be misinterpreted on the floor of the Senate under guise of asking a question any further. I did not make any such statement as that. There is no Senator here who will not bear me out in denying that I made such a statement.

Mr. HOPKINS. Did you not say that the trouble here was with the board—

Mr. BURKETT. I decline to yield.

Mr. HOPKINS. Did you not say the trouble was with the board of supervising principals?

Mr. LONG. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Kansas?

Mr. BURKETT. Certainly.

Mr. LONG. The Senator early in his remarks said that there was one member of the Committee on the District of Columbia who objected to this bill.

Mr. BURKETT. Who was present there that day.

Mr. LONG. I was that member.

Mr. BURKETT. You were.

Mr. LONG. My objection was to that part of the bill which provided for the appointment of the director of education by the Commissioner of Education of the United States. In my opinion, that is a serious objection to the bill and was the reason why I opposed it in committee and why I shall vote against it in the Senate.

Mr. BURKETT. The Senator is entirely correct. He held that position before the committee. He thought, as I recollect, that the director of education should be appointed by the Commissioners of the District of Columbia.

I will say to the Senate that the committee made up its opinions for this reason: The appointments of the District Commissioners have not been in the past always successful. The District Commissioners are high-minded men, but I suppose they are susceptible to the same influences and the same forces that all people having appointive power are susceptible to, especially when they live in the immediate vicinity where the appointment has to be made. For instance, we remember that only a year or two ago we had to pass a special law legislating out a chief of the fire department whom the Board of Commissioners had appointed, who was a newspaper reporter who had never even served as a member of the fire department anywhere. We passed a special law of Congress to get him out because we did not want that sort of a chief of the fire department.

When the District Commissioners had the appointment of the board of education a few years ago there was a little criticism because the wife of one of the District Commissioners was a member of the board. The committee thought if the Commissioners would have the appointment, I will say to the Senator from Kansas, that they would be besieged and be set upon by the people locally here to appoint this director of education, and that they would not have the acquaintance throughout the country, and they would not be as free and untrammelled as a man who did not live here.

Mr. LONG. The Senator will remember that I did not insist that the appointment should be made by the District Commissioners. I objected to the appointment being made by the Commissioner of Education.

Mr. BURKETT. I may be wrong, but I understood that the Senator from Kansas wanted the director to be appointed by the Commissioners. I know he did not want to have him appointed by the Commissioner of Education. I am very certain that I am correct in that position.

Mr. SCOTT. Will the Senator allow me to ask him a question?

Mr. BURKETT. Certainly.

Mr. SCOTT. Were the previous board of education paid a salary?

Mr. BURKETT. They were.

Mr. GALLINGER. If the Senator will permit me that the Record may be right, the Senator alludes to the fact that the wife of one of the Commissioners was on the board. It is proper it should go in the Record that she was on the board when her husband became a Commissioner and she was continued on the board during his administration up to a certain time.

Mr. BURKETT. It is not my opinion that any legitimate criticism ever attached to that member of the Board of Commissioners, but I spoke of it merely as one of the criticisms that were made at that time and discussed at that time.

Mr. GALLINGER. It was discussed a great deal.

Mr. BURKETT. It was the opinion of the committee that when we got a superintendent of schools here in the District we ought to look the country over and get the very best one we could. As I said a moment ago, when Milwaukee, Wis., wanted a superintendent they looked the country over and got the best man they could get, and they had to get him from a town in Nebraska. When Boston wants a school superintendent, they do not confine themselves to Boston. There is not a town in the country I ever heard of that insisted on getting a superintendent or director or principal of schools from the local community.

I will state just why it is not possible even to get a man here to be superintendent of schools. It is because you have no other town smaller than Washington to fit and prepare a good man to be superintendent of schools. Take the State of Indiana. There are a dozen large towns in the State, and when Indianapolis wants a superintendent of schools they can go to the next-sized town and get a superintendent there and bring him up to Indianapolis. He has had a training at the head of a school system almost as large as that of Indianapolis. If they are not satisfied, they will go to some other State or something of that sort. But in the District of Columbia there is not a resident here who has had any experience as any sort of a superintendent. So they have to go outside to get their superintendent.

A man may be proficient as a bank clerk in any department, but until he has been president of some little bank he is not competent, because he has never had the experience of managing a bank. I use that as an illustration because of what the president of a great bank only recently said to me. I was speaking with reference to getting a young man a position. He said, "Let him start out in some little bank, where he can be a cashier of the bank instead of a bank clerk. Then he will be eligible for a little larger bank in a supervisory capacity; but let him start out in a big bank as a clerk, and it is with great difficulty, practically impossible, for him ever to be put in a managerial capacity."

Now, I want to speak of the item with reference to the abolishment of the thirteen supervising principals. I do not know, Mr. President, whether it is worth while to put any energy into this matter until after the Senate shall fill up the chairs.

Mr. SCOTT. Mr. President, I suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from West Virginia suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ankeny	Curtis	Heyburn	Rayner
Bacon	Dick	Hopkins	Scott
Bankhead	Dillingham	Johnston	Simmons
Bourne	Dolliver	Kean	Smith, Mich.
Brandegee	du Pont	Long	Smoot
Briggs	Elkins	McCreary	Stewart
Brown	Flint	McCumber	Sutherland
Bulkeley	Foster	Nelson	Taliaferro
Burkett	Frye	Nixon	Taylor
Burnham	Gallinger	Overman	Teller
Burrows	Gamble	Paynter	Warren
Clay	Gary	Perkins	Wetmore
Cullom	Guggenheim	Piles	

The VICE-PRESIDENT. Fifty-one Senators have answered to their names. A quorum of the Senate is present. The Senator from Nebraska will proceed.

Mr. BURKETT. Mr. President, I want to take up the question of these thirteen supervising principals, and I want to call attention to what it is that they do. There is not another place in the United States that has them except Washington. Every other place in the country has a principal of schools, and above all the several principals of the schools is the superintendent of schools, with an assistant. Here in Washington they have the principal of schools, and then they will group about fourteen or fifteen schools together, like the Force and the Adams, and so forth, and they will put a man over those schools and they will call him a supervising principal. The principal of that school has no particular authority—no such authority as school principals usually have. If a patron goes to the school, he must wait until the supervising principal gets there, who has thirteen or fourteen other schools, and if there is anything to be done with reference to the teachers, which are local, the supervising superintendent attends to it. So the real principals of the schools are the thirteen supervising principals.

In the bill two years ago we provided for the principals. We gave them \$30 a room extra as salary, so the principal of a school would be a principal in fact. But we still have the thirteen supervising principals. We said at that time we hoped that the board of education would discontinue them, but of course they have not done it.

I have had prepared by a competent authority a statement showing the number of supervisors and the cost of supervision in ten cities of 100,000 population and over. I want to call the attention of the Senate to just what this thing means in the District of Columbia. For instance, in Boston, a town with a population of 595,000, they have six assistant superintendents—that is, six assistants to the superintendent in a professional capacity. In Chicago, Ill., with pretty nearly 2,000,000, they have eight; Cincinnati, Ohio, has two; Cleveland, Ohio, seven; Indianapolis and Los Angeles, two each; St. Louis, five; Washington, twenty-one.

I want to call these things to the attention of the Senate to show why we are trying to get rid of the thirteen supervising principals. They are entirely supernumerary, without any proper function, and they are expensive.

Mr. SMITH of Michigan. Do they have the same general authority in the cities you have named as in Washington?

Mr. BURKETT. Yes; supervisory authority. I wish to call attention to the special subjects of the supervisors. We are loaded up. The Senate will remember that when we reported the bill two years ago the committee made a thorough investigation, and the fact that we did not have to have such a hearing this year, as some Senators apparently think we might have had, was because we had very exhaustive hearings two years ago and every one of these questions was gone into at that time in the evidence. Both these questions were decided in the affirmative then. But for fear that we would kill that bill, which had control of the salaries and all that, we did not put these matters in.

I wish to show another place where we are loaded up in the District of Columbia with these supervisors. For instance, I take the supervisors of special subjects: Baltimore, 7; Boston, 6; Chicago, 4; Cincinnati, 7; Cleveland, 6; Indianapolis, 6; Los Angeles, 4; Rochester, 5; St. Louis, 7; Washington, 15. I just want to make that comparison so that the Senate may see how we are placed here.

The next one is executive and supervisory officers, excluding building principals. I want to call this to the attention of the Senate, because I have excluded the building principals in both places. Baltimore has 34; Boston, 13; Chicago, 13; Cincinnati, 10; Cleveland, 14; Indianapolis, 9; Los Angeles, 7; New York, 42; Rochester, 7; St. Louis, 13, and Washington, 58.

That is the way we are loaded up with supervision here in the District of Columbia. When I come to the column to show the cost of schools here, you will not wonder at it to find how we

are loaded up and top-heavy with supervision here in the District of Columbia.

There is not any legitimate place for these supervising principals. It never was contended that there was any place for the supervising principals, except originally, when they were put in, as I understand. It is a tradition with me. I have not been able nor inclined to go into it. I have not wanted to do it. But they were put in to provide places for friends of a member of the board away back, years ago. They were increased from time to time until there got to be thirteen of them, and the town was divided up and a dozen schools put under each one, and he was called a supervising principal. As I said, we wanted to do away with them and to put the duties and responsibilities on the principals of the schools. So we provided in the bill we passed two years ago \$30 a room extra for the principal, from the fact that he was a principal, and recommended in our remarks and report that the board of education should do away with these supervising principals. But they have not done it.

So the committee come back this year and recommends by legislation what the board of education will not do. It may cause some little more jar this way than if the board had weeded them out, but the board refused to do it, and the committee comes with the recommendation that we legislate them out and say to the board, "We have too much supervision."

I am not going to read any more of these tables. I have them here, and if there is no objection I will ask that I may put them in the RECORD. However, let me read just one more.

Mr. CARTER. Mr. President—

The PRESIDING OFFICER (Mr. BULKELEY in the chair). Does the Senator from Nebraska yield to the Senator from Montana?

Mr. BURKETT. Certainly.

Mr. CARTER. The Senator intimated in the course of his remarks that he had some figures showing the comparative expense per capita of education in the District of Columbia and in the city of Boston and elsewhere, which might throw some very important light on this subject. If he has such figures, I would be glad to have him set them forth and comment on them in his remarks.

Mr. BURKETT. Let me read another column. I have insisted that we have too much supervision, too much management here. I have a column giving the number of teachers to each supervising officer in the various schools. Baltimore has eleven times as many teachers as supervising officers; Chicago has eighteen times as many teachers as supervising officers; Cleveland, fifteen times as many; Indianapolis, twelve times; Los Angeles, thirteen times; New York, twelve; Rochester, fif-

teen; St. Louis, twelve times, and Washington, seven times—lower than any of them. And does anyone doubt that we are top-heavy here with supervision?

Now, I will get to the teachers and officers and show the comparative cost.

In Baltimore the teachers and officers cost \$1,091,000; in Boston, \$2,665,000; in Cincinnati, \$848,000; in Cleveland, \$1,460,000; in Indianapolis, \$588,000; Los Angeles, \$673,000; Rochester, \$481,000; Washington, \$1,370,500—more than towns that have two or three times as many people as we have here in the District.

Mr. NELSON. Is it not a fact that Washington is in all respects, not only for the schools, but also for Senators and Congressmen, the most expensive place in the country because it is the capital of the country, and do not the people of this District have an extra expense because it is the capital of the country?

Mr. BURKETT. I think that is true and is known by all of us. That is one of the reasons we have been arguing why not only the salaries of clerks should be raised, but some argued two years ago that for that reason the salaries of Senators should be raised. I gave that statement simply because it was called for by some one here.

Mr. GALLINGER. The Senator's figures relate to salaries, do they not?

Mr. BURKETT. Yes; certainly.

Mr. GALLINGER. And salaries are not very different here from elsewhere in amount.

Mr. BURKETT. Well, they are a little higher, I will say, than in some places. The Senator remembers that our committee found that they were lower than in some places.

Mr. GALLINGER. The idea is being constantly forced on the Appropriations Committee that we must increase still further the salaries of employees or they will leave here and go to other cities, and it is said that they are going in great numbers.

Mr. BURKETT. I have in another column which I have prepared the amount expended for the executive and supervisory officers exclusive of building principals.

I want to go through this list without the teaching force. This is just for supervision, and I want to compare it. In Baltimore supervision costs \$60,900, in Boston \$48,456, in Cleveland \$32,000, in Los Angeles \$11,000, Rochester—I have not the data—St. Louis \$32,000, Washington \$68,955. So we see that when we compare these two points in the bill one is to put the management of these schools in some other hands than the board of education, and the other is to abolish the thirteen supervising principals.

The table referred to is as follows:

Number of supervisors and cost of supervision, etc., in cities of 100,000 population and upward.

City.	Population.	Number of—				Amount expended for pay of—					Proportion of tuition money expended for—			Number of teachers.	Number teachers to each supervising officer, excluding executive officers, special supervisors and district and building principals.
		Assistant superintendents.	Superintendents of special subjects.	Executive and supervisory officers, excluding building principals.	Executive and supervisory officers of all kinds, including building principals.	Superintendent.	Assistant superintendents.	Superintendents of special subjects.	All executive and supervisory officers exclusive of building principals.	Teachers and officers.	Superintendent and assistants.	All executive and supervisory officers except building principals.	Teachers, including building principals.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Baltimore, Md.	546,217	26	7	34	151	\$5,000	\$48,100	\$7,800	\$60,900	\$1,091,372	Per ct.	Per ct.	Per ct.	1,646	11
Boston, Mass.	595,380	6	6	13	(a)	6,000	22,680	19,776	48,456	2,665,948	1.1	1.8	98.2	2,379	18
Chicago, Ill.	1,960,750	8	4	13	312	10,000	28,500	9,425	47,925	5,597,823	.7	.9	99.1	5,555	15
Cincinnati, Ohio	343,337	2	7	10	(a)	5,000	5,000	10,600	20,600	848,221	1.2	2.4	97.6	1,017	12
Cleveland, Ohio	437,114	7	6	14	101	5,000	14,350	12,900	32,250	1,460,465	1.3	2.2	97.8	1,555	13
Indianapolis, Ind.	212,198	2	6	9	68	5,000	5,000	11,300	10,000	588,957	1.7	3.6	96.4	790	12
Los Angeles, Cal.	102,479	2	4	7	63	4,250	5,500	5,500	6,000	673,729	1.7	2.6	97.4	805	13
New York, N. Y.	4,000,925	34	7	42	1,003	10,000	182,000	23,533	192,000	17,997,378	1.1	1.2	98.8	12,006	12
Rochester, N. Y.	182,028	1	5	7	43	5,000	2,000	(a)	481,758	(a)	1.4	.....	.....	648	15
St. Louis, Mo.	639,973	5	7	13	153	5,500	17,168	9,688	32,356	1,489,193	1.5	2.1	97.9	1,937	12
Washington, D. C.	302,883	b 21	15	58	179	5,000	45,030	18,925	68,955	1,370,500	b 3.6	5.0	91.4	1,279	7.1
		8	15	58	179	5,000	19,830	18,925	28,225	1,370,500	1.5	7.9	90.6	1,279	7.1
		8	15	58	.....	5,000	19,830	18,925	498,155	1,370,500	1.5	44.7	92.8	1,400	21.4

a Data incomplete.

b Includes supervising principals.

c Includes pay of building principals for services as such, but does not include their pay as teachers.

d Excluding pay of building principals.

Mr. BURKETT. Mr. President, as I said a moment ago, there is no one practically in this community who is objecting to the abolishment of the board of education. That is not where any trouble lies in this bill, and there never would be any opposition to it if we had left it at that. But when we undertook to abolish the thirteen supervising principals a world of things got into the bill. As has been said, they were so situated that they could get influence, not improperly, but because they were interested, among the 1,300 teachers in the District.

Another thing has crept in. Every college that has happened to graduate one of these supervising principals has been urging it, and wherever there has been a friend of that particular college they have worked their friendship here, and the endeavor has been very far-reaching, and so the bill has incurred a good deal of opposition.

I will say to the Senate, for whatever it may be worth, that at the time the superintendents of all the United States were here some three weeks ago, and all the best educators of the country were gathered here as part of the National Educational Association, I took occasion to talk with just as many of those best school men as I could get into conversation with, and I never found a single one of them who did not say to me in words, in effect, "You will never have an educational system in Washington that is a success until you abolish the supervising-principal system." Every one of them, without exception, said that.

I will not say that much with reference to the board of education. Most of those with whom I talked did not want to express any opinion of the board of education, but some of them thought it would not be possible to abolish the board of education. Some of them had some misgivings on that point, but not one of them had any misgivings as to the supervising-principal end of it. Every one of them said, "You must abolish them before you can ever hope to have a good school system."

I will tell you why. Those thirteen supervising principals are between the superintendent and the teachers. There they are. Nothing can get to the superintendent except through those supervising principals. Nothing can get down except through them. We remember that two years ago we remedied the same abuse in the high schools. We had only five high schools and a hundred or so teachers, and we could wipe out the abuses there. We could not do it in the graded schools, because there were thirteen of them and they represented 1,300 teachers, and we did not dare do it in that bill. Now, there is nothing and nobody and no authority between the superintendent of schools and the principals of the high schools.

We are trying to do, in this bill, for the graded schools exactly what we did for the high schools in the bill two years ago, and so far from wiping out or defeating or destroying our school system, as some people seem to be so dreadfully afraid of, let me say that there is nothing in the bill but what was considered favorably when we reported it two years ago.

Mr. TELLER. I want to ask the Senator from Nebraska a question. I was called out of the Chamber.

Mr. BURKETT. I will say to the Senator that as soon as I got my statement made I looked for him, but he had gone.

Mr. TELLER. The Senator has been complaining of this board of education. I believe it is the universal custom of the country to conduct schools by a board.

Mr. BURKETT. At every place but one that I know of in the country.

Mr. TELLER. That is the case, so far as I know.

Mr. BURKETT. There is one place I know of where they do not have a board of education.

Mr. TELLER. If there is a fault with this board, it is as to the method of selection. If there is anything that the people of this country are close to it, it is the school system. If there is anything, I think, that the people have an interest in, it is the school system.

I wanted to know of the Senator, who has examined this matter, whether the experiment had ever been tried in this city of allowing the patrons of the school or the people in the city, without reference to whether they sent children to school or not, to control the schools by the election of a board such as we have in other sections of the country, such as I presume the Senator has in Nebraska, such as we certainly have in Colorado.

Mr. BURKETT. The Senator probably knows more about the change of government in the District than I do, but of course when the law was changed in 1874 the right of suffrage was taken away from the people of the District, and since then the boards have been appointed.

Mr. TELLER. That is what I understood, Mr. President. I do not know how the board away back in 1874—that was before my day here—was selected, but I do know that as a

rule all through the country the best school systems are those managed by a board of directors; and it is very unpalatable to me to think of appointing one man who has the absolute control of the school system in this capital city.

Mr. President, I do not know much about present conditions in the schools here. I have for a good many years believed that the schools here were not equal in many respects to schools in other sections of the country. I know for some time when the question was up as to school buildings, and so forth, here I have felt that we were very tardy in providing proper school facilities, and I believe that has been the case. Our expenditures may be very high, but we have not wasted any money in my opinion on school funds. We have never voted as much money as I think we ought to have voted.

#### SETTLEMENT OF STATE ACCOUNTS.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 415) regulating the settlement of the accounts between the United States and the several States relative to the disposition of the public lands, and for other purposes.

Mr. NELSON. I ask that the bill be temporarily laid aside until the Senator from Colorado [Mr. TELLER] can finish his remarks.

Mr. TELLER. I do not care about it. I will take up the question when the school bill comes up again.

Mr. NELSON. Then I call for the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. BACON. I understand that two amendments were proposed yesterday afternoon and that the first of those is now pending.

The VICE-PRESIDENT. The Secretary will read the amendment proposed by the Senator from Georgia [Mr. BACON].

The SECRETARY. It is proposed to add at the end of the bill the following additional sections:

SEC. — That jurisdiction be, and is hereby, given to the Court of Claims to adjudicate the claim or claims of any owner, or the legal representative of any owner, to the proceeds of any abandoned or captured property which have heretofore been placed in the United States Treasury, notwithstanding any former suit to recover said proceeds may have been dismissed by said court for want of jurisdiction: *Provided*, That suit to recover the same shall be commenced within two years from the passage of this act.

SEC. — That any testimony, affidavits, reports of officers, and other papers on file in the Departments or in the courts, relating to such claims, shall be considered by the court as competent evidence: *Provided*, That such testimony, affidavits, reports of officers, and other papers were competent evidence at the time they were so filed.

SEC. — That no judgment shall be rendered in favor of any claimant under the provisions of this act, unless said claimant shall establish the fact that the proceeds of the property sued for were covered into the Treasury of the United States and became a part of the fund known as the captured and abandoned property fund, under the provisions of the act of March 12, 1863, and the acts amendatory thereof, and is now a part of the general fund of the United States Treasury, and all such judgments rendered under this act shall be paid to the original owner, his heirs, or legal representatives, by the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated.

SEC. — That all sales, transfers, or assignments of any claims against said fund heretofore or hereafter made and all contracts heretofore made for fees and allowances to claimants' attorneys are hereby declared null and void, and all warrants issued by the Secretary of the Treasury in payment of such judgments shall be made payable and delivered only to the claimant or his lawful heirs, executors, or administrators, except so much thereof as shall be allowed claimants' attorneys by the court for prosecuting said claims; and the Court of Claims in rendering judgment under this act shall, in each case, fix the amount of compensation to the attorney or attorneys prosecuting the claim in said court.

Mr. NELSON. Mr. President, I make the point of order that the amendment is entirely foreign and not germane to the bill under consideration. It relates to an entirely different subject.

The VICE-PRESIDENT. Under what rule does the Senator make the point of order?

Mr. NELSON. I think under the general principles of parliamentary law an amendment must be germane to the subject-matter under consideration. The amendment relates to an entirely new and distinct subject.

The VICE-PRESIDENT. The Chair is of opinion that the point of order must be determined by the practice which obtains in the Senate. It has been repeatedly decided that amendments which are not germane to bills—other than general appropriation bills—are not subject to a point of order. The Chair is of opinion that the point of order is not well taken and therefore overrules it. The question is on agreeing to the amendment proposed by the Senator from Georgia.

Mr. HOPKINS. The amendment, as I understand it, involves a very large sum of money and is a question that has been heretofore considered in both branches of Congress. Before the vote is taken I should like to hear from the Senator who pre-

sented the amendment, and get his reasons at some length for adopting the amendment.

Mr. BACON. Mr. President, this is, as is correctly stated by the Senator from Illinois, a very important matter; but it is not a new matter in the consideration of either House of Congress.

I will state that the amendment which I have offered is copied from a bill which is now pending in the House of Representatives, a bill which has been favorably reported by the Committee on War Claims of that body. I hold in my hand the report of that committee, which states in detail the reasons why the bill should be enacted into law. The report gives a very much clearer and more concise statement of the case than I could possibly give in an oral presentation of it to the Senate, and therefore, if it is desired, I will ask that the report be read from the desk. It is better than any argument which I can make upon the subject.

I will state, however, to the Senate, Mr. President, that this matter has been a number of times before the two Houses of Congress. The report which I hold in my hand, in its concluding paragraph, gives the number of Congresses in which there has been favorable action by the committees, and I will read them. I am going to ask that the entire report be read, if the Senator desires the information, but in order that we may properly appreciate it, I will read first the concluding part of it, which shows the number of times this matter has been under favorable consideration. The report concludes in this way:

Time and again favorable reports have been made by one House or the other upon bills having in view the same purpose as the bill now under consideration. In the Fifty-second Congress, first session, the Judiciary Committee of this House made such report on H. R. 455 (Report No. 1377).

In the Fifty-third Congress, second session, the Judiciary Committee upon a number of bills of like character adopted a report of the same committee made in the preceding Congress.

The same in the Fifty-fourth Congress, second session (House Report No. 2568, from the Committee on War Claims, on H. R. 7618).

The same in the Fifty-fifth Congress, third session (Senate Report No. 1634).

The same in the Fifty-seventh Congress, first session (Senate Report No. 1292).

The same in the Fifty-eighth Congress, second session (Senate Report No. 1861).

The same in the Fifty-ninth Congress, first session (Senate Report No. 3290).

The same in the Fifty-ninth Congress, second session (House Report No. 7540, from the Committee on War Claims, on H. R. 15400).

So it will be seen, Mr. President, that this measure has had a favorable report three times from the House committee, twice from the Judiciary Committee, and once from the War Claims Committee, and four times in four separate Congresses from the Senate Committee on Claims.

Mr. HOPKINS. Does the report show whether there were minority reports made in those different Congresses?

Mr. BACON. It does not.

Mr. HOPKINS. It does not show that?

Mr. BACON. It does not; but in the case of this report there is no minority report, I will say to the Senator.

I will state in brief the outline of the facts, and then I am going to ask that this report, which is not long, shall be read to the Senate, because I realize the fact that the inquiry of the Senator from Illinois is an entirely proper one; that full information should be given to the Senate before it is called upon to act, and that full information is contained in the report.

Without stopping now to give dates, because it will all be stated more fully by the report, and as I am endeavoring now simply to give an outline, there was legislation by Congress which authorized exactly such procedure as is provided for in the pending amendment, to wit, that there shall be a hearing by the Court of Claims to determine who were the parties, or their present representatives, to whom the cotton originally belonged which was sold, the proceeds of which is now in the Treasury. There was a limitation of two years within which parties interested must make their application, in order that their claims might be adjudicated. After the expiration of the two years there was still a large fund in the Treasury which had not been thus distributed, and Congress passed another law, which is embodied, if I recollect aright, in the Revised Statutes. If the Senator has the Revised Statutes before him and will turn to section 1059, he will find there embodied the legislation to which I refer.

But that act failed to specifically make allusion to the limitation of two years which was in the prior act, and, as set forth in this report, when the matter again came before the court it very strangely ruled that the limitation, not having been removed, still applied, the very strange ruling being made that as to an act subsequently made a statute of limitation existing prior to the enactment of the statute still obtained.

Now, this is to give the claimants the same right that section 1059 gives. In other words, it removes the two years' barrier that the court ruled section 1059 failed to remove.

I want to say to the Senate that there is no question about the fact—that is, in a general way—as to the persons to whom this fund belongs. The Supreme Court has ruled specifically that this money does not belong to the Government of the United States. They have ruled specifically that the Government of the United States holds it in trust for the parties to whom the cotton originally belonged, the proceeds of which is now in the Treasury. The amendment is simply for the purpose of enabling the parties thus ruled by the court to be entitled to it to be ascertained and the amount due to them to be determined.

There is in the Treasury over \$10,000,000 that composes the fund arising from the sale of captured cotton. I may state generally that while I do not know that the report specifically points out the fact, it is a fact—at least I so understand it—that a considerable part of it was cotton which belonged to the Confederate States, and that of course now belongs to the Government of the United States; and, so far as that part of the fund is concerned, this amendment can not in any manner interfere with it. It only reaches the part of the fund which is the proceeds of the cotton belonging to individuals, and, as Senators will find if they will listen to the reading of this report, it is a fund which the Supreme Court have specifically ruled and determined belongs to those parties, and that the Government of the United States holds it in trust for them.

Year after year, Congress after Congress, a bill like this has been before one House or the other and has received a favorable report on the part of the committee charged with its consideration, and it has just simply passed by without action by either House in the inability to get action upon it.

I now ask, Mr. President, that the report may be read; and I hope Senators will give attention to it, because it specifically answers the question which the Senator from Illinois [Mr. HOPKINS] very correctly propounded, and gives information which the Senate ought to have before it is called upon to act.

Mr. GAMBLE. Will the Senator from Georgia yield to me for a question?

The PRESIDING OFFICER (Mr. PILES in the chair). Does the Senator from Georgia yield to the Senator from South Dakota?

Mr. BACON. With pleasure.

Mr. GAMBLE. Does the Senator from Georgia know of any bill pending in the Senate covering the provisions of this amendment or whether any such bill has been introduced in the Senate during the present session of Congress?

Mr. BACON. There is a similar bill pending, but not exactly this same bill. I will state to the Senator that I have offered this House bill as an amendment rather than to offer a Senate bill, for the reason that it has had the consideration of the House committee and, therefore, if it should be favorably acted on by the Senate, it would have the advantage of having already had such consideration.

Mr. GAMBLE. But the bill which was introduced in the Senate has not been acted upon?

Mr. BACON. It has not.

Mr. GAMBLE. Nor favorably reported?

Mr. BACON. It has not; but I will say these bills differ in no material part, nor does this bill differ in any material part from the four separate bills which have been before the Senate and have been reported favorably by the Committee on Claims in four different Congresses.

Mr. GAMBLE. But, as I understand it, this covers an amount of about \$10,000,000.

Mr. BACON. My information is that the amount which will be due to individuals is only about \$5,000,000. There is a fund amounting to over \$10,000,000; but, as I have previously stated, a large part of that was for cotton captured from the Confederate authorities; and, of course, that is the property of the United States. This only relates really, if my information is correct, to about \$5,000,000 which has been in the Treasury of the United States for forty years under a distinct ruling of the Supreme Court of the United States that not a dollar of it belongs to the Government of the United States, and that the Government holds it simply as a trustee for those parties.

Mr. GAMBLE. There has been no action taken by the Senate upon these different bills?

Mr. BACON. The matter has never come to a vote in the Senate, but it has been up repeatedly, just as it is up now and just as it is now, each time there having been such suggestions as the Senator from South Dakota is now making. It is by

such suggestions, which have removed it from the consideration of the Senate before action could be taken, that this simple and plain act of justice has been deferred and defeated up to this time.

Mr. GAMBLE. The only reason I had for making the suggestion was that the provisions of the bill under consideration are entirely distinct and separate and cover another proposition entirely.

Mr. BACON. That has been ruled upon.

Mr. GAMBLE. I know; I recognize that fact, but the amendment proposed by the Senator from Georgia ought to rest upon its own substantial foundation. It occurs to me, Mr. President, that a bill which comes to the Senate ought to have been before a committee of the Senate and ought to have been regularly reported and placed upon the Calendar. I presume, as such assurance has been given by the Senator from Georgia, that bills substantially the same as the proposed amendment have heretofore been reported.

Mr. BACON. Differing in no material particular, if in any particular.

Mr. GAMBLE. But it occurs to me, Mr. President, that it is a matter that should be taken up separately and considered separately and distinctly from the measure now pending before the Senate.

Mr. BACON. I do not think so, Mr. President. I quite disagree with the learned Senator from South Dakota. Here is a bill which proposes to take money out of the Treasury, to pay it to the different States, money which has not been ruled by the courts to belong to those States, but which the Senator from South Dakota, as chairman of the committee reporting this bill—possibly he is the author of the bill; I am not sure about that—

Mr. GAMBLE. I do not think I shall claim distinction as the author of the bill, because, as a matter of fact, similar propositions have been pending in Congress for fifty years.

Mr. BACON. Yes.

Mr. GAMBLE. I recall a very learned and splendid debate here some twenty-six years ago, in which the chief proposition in this bill was covered. It is not a new proposition, and it has been insisted upon that, with certain modifications, this bill should go forth.

Mr. BACON. There is a remarkable ligament which unites these two propositions and which makes it entirely a matter of consistency that we should consider them together. One has been pending for forty years and the other has been pending for fifty years; they are both somewhat hoary with age, and it is about time, I think, that they were laid to rest, and we should lay them to rest, and the Senate should take final action upon them.

But, as I was proceeding to say, I am not disposed to disparage the claims of those who favor the bill in its original shape for the distribution of a certain fund to the States which have in them the lands upon which they claim the right to 5 per cent, although the lands have never been sold and there is no fund in the Treasury out of which this 5 per cent is to be taken; but representing, as I understand it, the value of lands which have been disposed of otherwise than by sale. There is an equity in the matter which the Senators claim, and they are asking that the Congress of the United States shall recognize that equity and shall pay these millions of dollars to these various States. Now, without taking any issue with the Senator on that subject at all, I say that this is a fund in the Treasury which the Supreme Court have solemnly adjudicated it does not belong to the Government of the United States, and have solemnly adjudicated that it does belong to the parties whom we seek to have identified, and the sole office of this legislation is not to devote a fund to certain interests or certain parties, but to identify the people to whom the Supreme Court say this fund belongs.

Why, Mr. President, it is not to the credit of the Congress of the United States that there should be a fund in the Treasury of the United States which the supreme tribunal of this land have solemnly determined does not belong to the Government of the United States. It is not to the credit of the Congress of the United States that for any reason we should hesitate or pause in the work of giving that money to those to whom the Supreme Court have solemnly adjudged it to belong, and that is the sole question here.

I am not going to detain the Senate, but I want to ask that this report be read, and I ask that Senators listen to it. Then I want to see if there is a Senator in this Chamber who, after hearing this report, will vote that this money shall remain in the Treasury of the United States when it is not the property of the United States and not subject to be used by the United States, but only withheld from those to whom the Supreme Court says it belongs.

The PRESIDING OFFICER. The Senator from Georgia asks that the report to which he refers be read. Without objection, the report will be read.

Mr. BACON. Mr. President, I do not know whether Senators are going to insist upon a roll call on this question. If they do, I want those who are to vote upon it to hear this report, because, as I repeat, I want to know if there is a Senator who can hear this report and who will then vote against the bill. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison	Clark, Wyo.	Hopkins	Rayner
Ankeny	Clay	Johnston	Scott
Bacon	Curtis	Lodge	Smith, Md.
Bankhead	Dillingham	Long	Smith, Mich.
Borah	Dixon	McCreary	Smoot
Brandegee	du Pont	McCumber	Stephenson
Briggs	Foster	Martin	Stewart
Brown	Frazier	Money	Stone
Bulkeley	Frye	Nelson	Sutherland
Burkett	Gallinger	Nixon	Teller
Burnham	Gamble	Paynter	Warren
Burrows	Gary	Perkins	
Carter	Hayburn	Piles	

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present. The Secretary will read the report sent to the desk by the Senator from Georgia.

#### EXECUTIVE SESSION.

Mr. NELSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After one hour and ten minutes spent in executive session the doors were reopened, and (at 3 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, April 6, at 12 o'clock meridian.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate April 2, 1908.*

##### AMBASSADOR.

David Jayne Hill, of New York, to be ambassador extraordinary and plenipotentiary of the United States to Germany, to take effect June 1, 1908.

##### ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

Arthur M. Beaupré, of Illinois, to be envoy extraordinary and minister plenipotentiary of the United States to the Netherlands and Luxemburg, to take effect June 1, 1908.

Spencer F. Eddy, of Illinois, to be envoy extraordinary and minister plenipotentiary of the United States to the Argentine Republic, to take effect June 1, 1908.

##### POSTMASTERS.

###### CALIFORNIA.

Cecelia G. Van Arsdale to be postmaster at Elmhurst, Alameda County, Cal.

James F. Colley to be postmaster at Nevada City, Nevada County, Cal.

George W. Gates to be postmaster at Burlingame, San Mateo County, Cal.

F. C. Hemenway to be postmaster at Winters, Yolo County, Cal.

Edward T. Ketcham to be postmaster at Santa Maria, Santa Barbara County, Cal.

Charles E. Tucker to be postmaster at Fortuna, Humboldt County, Cal.

Calla J. Westfall to be postmaster at Venice, Los Angeles County, Cal.

###### KANSAS.

Elon G. Dewey to be postmaster at Moline, Elk County, Kans. Theodore Iten, jr., to be postmaster at Ellinwood, Barton County, Kans.

###### KENTUCKY.

James P. Hutcheson to be postmaster at Owenton, Owen County, Ky.

###### MASSACHUSETTS.

Martin E. Stockbridge to be postmaster at Dalton, Berkshire County, Mass.

###### MISSOURI.

August W. Enis to be postmaster at Clyde, Nodaway County, Mo.

Clifford M. Harrison to be postmaster at Gallatin, Daviess County, Mo.

Ben J. Smith to be postmaster at Ava, Douglas County, Mo.

###### NEVADA.

Q. W. Hull to be postmaster at Ely, White Pine County, Nev.

## RHODE ISLAND.

Walter Price to be postmaster at Westerly, Washington County, R. I.

## TEXAS.

John B. Baker to be postmaster at Haskell, Haskell County, Tex.

John W. Chichester to be postmaster at Eagle Pass, Maverick County, Tex.

Wesley J. Clarke to be postmaster at Dalhart, Dallam County, Tex.

David Doole, jr., to be postmaster at Brady, McCulloch County, Tex.

Gerhard Dube to be postmaster at Thorndale, Milam County, Tex.

R. G. Flato to be postmaster at Kingsville, Nueces County, Tex.

Howell D. Greene to be postmaster at Sanger, in the county of Denton and State of Texas.

Jesse H. Harrison to be postmaster at Daingerfield, Morris County, Tex.

John W. Hedley to be postmaster at Chillicothe, Hardeman County, Tex.

Frank Leahy to be postmaster at Rogers (late Rodgers), in the county of Bell and State of Texas.

Kate Nelson to be postmaster at Snyder, Scurry County, Tex.

Clarence R. Redden to be postmaster at De Leon, Comanche County, Tex.

George H. Sparenberg to be postmaster at Big Spring, Howard County, Tex.

## WEST VIRGINIA.

John E. Houston to be postmaster at Davis, Tucker County, W. Va.

## ARBITRATION WITH MEXICO.

The injunction of secrecy was removed April 2, 1908, from an arbitration convention between the United States and Mexico, signed at Washington on March 24, 1908.

## ARBITRATION WITH ITALY.

The injunction of secrecy was removed April 2, 1908, from an arbitration convention between the United States and Italy, signed at Washington on March 28, 1908.

## SETTLEMENT OF INTERNATIONAL DISPUTES.

The injunction of secrecy was removed April 2, 1908, from a convention signed by the delegates of the United States to the second international peace conference held at The Hague from June 15 to October 18, 1907, for the pacific settlement of international disputes.

## HOUSE OF REPRESENTATIVES.

THURSDAY, April 2, 1908.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1050. An act to repeal section 3480 of the Revised Statutes of the United States;

S. 5268. An act for the relief of J. de L. Lafitte; and

S. 2934. An act permitting homestead entries upon certain lands in Whatcom County, Wash., being a portion of the "Point Roberts Reserve."

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 7618. An act to authorize the Benton Water Company, its successors or assigns, to construct a dam across the Snake River, in the State of Washington.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 1815. An act for the relief of the estate of D. S. Phelan.

## SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1050. An act to repeal section 3480 of the Revised Statutes of the United States—to the Committee on the Judiciary.

S. 5268. An act for the relief of J. de L. Lafitte—to the Committee on Claims.

S. 754. An act for ascertaining the feasibility and probable cost of constructing a canal from the Tennessee River, at or near the city of Chattanooga, in the State of Tennessee, to the navigable waters of the Ocmulgee River, in the State of Georgia, by which there will be furnished adequate water communication by the shortest and most practicable route between the Atlantic Ocean and the navigable waters in the rivers of the Mississippi Valley—to the Committee on Railways and Canals.

## ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 15444. An act extending the time for the construction of a dam across Rainy River;

H. R. 1815. An act for the relief of the estate of D. S. Phelan; and

H. R. 13735. An act to correct the military record of Micaiah R. Evans.

## AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I move now that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill.

The question was taken, and the Chair announced that the ayes seemed to have it.

On a division (demanded by Mr. WILLIAMS) there were—ayes 140, noes 55.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19158, the agricultural appropriation bill, Mr. FOSTER of Vermont in the chair.

The CHAIRMAN. Upon adjournment yesterday there was a point of order pending and reserved.

Mr. CRUMPACKER. Mr. Chairman, my purpose in reserving the point of order to the new language in the paragraph under consideration was to express my opposition to and protest against what seemed to me to be the almost inevitable tendency of this particular legislation toward ultimate Federal construction of public highways, and, of course, incidental control of the highways of the country by the Federal Government. It is an amendment that is fraught with great danger. I have no objection at all to the Federal Government making scientific experiments and giving expert advice upon the road question, and the language to which the point of order is directed simply enlarges the scope of the Agriculture Department in the work of making experiments and giving advice, and on consultation with the chairman of the Committee on Agriculture, and obtaining a more satisfactory and a fuller explanation of the purposes and intention of this new provision, I have concluded to withdraw the point of order.

The CHAIRMAN. The gentleman from Indiana withdraws the point of order.

Mr. SULZER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. There is an amendment pending—

Mr. SCOTT. I ask that the pending amendment be reported.

Mr. CRAWFORD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out all after the word "dollars," in line 11, down to and including the word "machinery," in line 13, page 44.

Mr. CRAWFORD. Mr. Chairman, the language proposed to be stricken out by my amendment reads as follows:

That no part of this appropriation shall be expended for the rent or purchase of road-making machinery.

I do not know what influence or reasoning controlled the Committee on Agriculture in placing this limitation on the appropriation bill. No preceding Congress has put such limitation on the power of the Secretary of Agriculture to use the money appropriated for the support and maintenance of the Bureau of Public Roads. I am at a loss to know what has come over the spirit of the dreams of this committee. I know there has been no demand coming from the farmers and the country people generally for this new policy. I undertook the other day to elicit from the chairman of the committee in his opening speech the reasons which controlled his committee in undertaking to impose this limitation upon the appropriation. The information which the gentleman gave was not satisfactory to me, and I am of the opinion it is not satisfactory to this House, and I am confident that it will not be satisfactory to